

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIFTH DAY — WEDNESDAY, MAY 16, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 442).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert.

The invocation was offered by Father Andrew Parker, rector, St. Timothy's Episcopal Church, Lake Jackson, as follows:

O God, of the plains and of the hills, of the piney woods, the canyons and the coast; O God of the people of Texas, we give you thanks for our land and the labors of its daughters and sons. We pray that you would pour out your spirit of wisdom on these representatives gathered here today. Increase our trust in one another, both in this house and in this state. Strengthen our quest for justice and bring us to unity and a common purpose. You have made us of one blood; make us also of one mind. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Hilbert on motion of Haggerty.

CAPITOL PHYSICIAN

The speaker recognized Representative Krusee who presented Dr. Daniel Voss of Georgetown as the "Doctor for the Day."

The house welcomed Dr. Voss and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Rangel on motion of Villarreal.

(Edwards in the chair)

HR 1019 - ADOPTED (by Green)

Representative Green moved to suspend all necessary rules to take up and consider at this time **HR 1019**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1019, Congratulating Melissa C. Ruud on her election as Associated Student Government president at Southwest Texas State University.

HR 1019 was adopted without objection.

HR 1018 - ADOPTED (by Green)

Representative Green moved to suspend all necessary rules to take up and consider at this time **HR 1018**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1018, Honoring Carolyn Jean Taplin of Richmond on the occasion of her 50th birthday.

HR 1018 was read and was adopted without objection.

HR 541 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 541**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 541, Honoring William M. Hale on his retirement.

HR 541 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 54 and Senate List No. 29).

HR 1041 - ADOPTED
(by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 1041**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1041, Congratulating Lee Fitzgerald on his selection as president of the Dallas County Dental Society.

HR 1041 was adopted without objection.

(Speaker in the chair)

HR 1008 - ADOPTED
(by E. Jones)

Representative E. Jones moved to suspend all necessary rules to take up and consider at this time **HR 1008**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1008, Commending Dr. Merlin D. Tuttle of Austin on his scientific achievements.

HR 1008 was read and was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 1008** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative E. Jones, who introduced Dr. Merlin D. Tuttle, his bat, Zoe, and Steven Walker and Bob Benson from Bat Conservation International, Inc.

HCR 291 - ADOPTED
(by Rangel)

Representative F. Brown moved to suspend all necessary rules to take up and consider at this time **HCR 291**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 291

WHEREAS, **HB 2218** has passed the Texas House of Representatives and the Texas Senate and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the senate and house of representatives is necessary; now, therefore, be it

RESOLVED by the 77th Legislature, That the governor be hereby requested to return **HB 2218** to the senate for further consideration; and, be it further

RESOLVED, That the action of the speaker of the house and the president of the senate in signing **HB 2218** be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

HCR 291 was adopted without objection.

HCR 284 - ADOPTED
(by Goodman)

The following privileged resolution was laid before the house:

HCR 284

WHEREAS, **HB 1245** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 77th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 1245** as follows:

(1) Strike Section 3.410, Family Code, as added by Senate Committee Amendment No. 1, and substitute the following:

Sec. 3.410. EFFECT OF MARITAL PROPERTY AGREEMENTS. A premarital or marital property agreement, whether executed before, on, or after September 1, 1999, that satisfies the requirements of Chapter 4 is effective to waive, release, assign, or partition a claim for economic contribution under this subchapter to the same extent the agreement would have been effective to waive, release, assign, or partition a claim for reimbursement under the law as it existed immediately before September 1, 1999, unless the agreement provides otherwise.

(2) Strike SECTION 6(c) of the Act, as added by Senate Committee Amendment No. 1, and substitute the following:

(c) Section 3.410, Family Code, as added by this Act, applies to a premarital property agreement or marital property agreement executed on or after September 1, 1999.

HCR 284 was adopted without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

SB 415 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Naishtat submitted the conference committee report on **SB 415**.

Representative Naishtat moved to adopt the conference committee report on **SB 415**.

The motion prevailed.

HB 269 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Berman called up with senate amendments for consideration at this time,

HB 269, A bill to be entitled An Act relating to the sale of alcohol in dry areas; providing criminal penalties.

On motion of Representative Berman, the house concurred in the senate amendments to **HB 269**.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 269** by adding an appropriately numbered section to read as follows and renumbering the sections of the bill accordingly:

SECTION _____. For the purpose of identifying the areas affected by the change in law made by this Act, the Texas Alcoholic Beverage Commission shall compile a listing of the precincts, municipalities, and counties that are dry areas for the purpose of Section 101.31, Alcoholic Beverage Code. Each municipality and county shall cooperate with the commission in producing and providing the information to be compiled.

HB 1475 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kitchen called up with senate amendments for consideration at this time,

HB 1475, A bill to be entitled An Act relating to master technology teacher certification, grants, and stipends.

On motion of Representative Kitchen, the house concurred in the senate amendments to **HB 1475** by (Record 443): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Rangel.

Absent — Flores; Hartnett.

Senate Committee Substitute

CSHB 1475, a bill to be entitled An Act relating to master technology teacher certification, grants, and stipends.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.411 to read as follows:

Sec. 21.411. MASTER TECHNOLOGY TEACHER GRANT PROGRAM.

(a) The commissioner shall establish a master technology teacher grant program to encourage teachers to:

(1) become certified as master technology teachers; and

(2) work with other teachers and with students in order to increase the use of technology in each classroom.

(b) From funds appropriated for the purpose, the commissioner shall make grants to school districts as provided by this section to pay stipends to selected certified master technology teachers. The commissioner shall give preference to teachers who teach at high-need campuses.

(c) The commissioner shall annually identify each high-need campus in a school district using criteria established by the commissioner by rule. The commissioner shall also use the criteria to rank campuses in order of greatest need.

(d) A school district may apply to the commissioner for grants to be used to pay stipends to certified master technology teachers in accordance with this section. Unless reduced under Subsection (g) or (i), each grant is in the amount of \$5,000. The commissioner shall approve the application if the district:

(1) applies within the period and in the manner required by rule adopted by the commissioner; and

(2) agrees to use each grant only for the purpose of paying a year-end stipend to a master technology teacher:

(A) who holds a certificate issued under Section 21.0482;

(B) who teaches in a position prescribed by the district;

(C) whose primary duties include serving as a technology training mentor to other teachers for the amount of time and in the manner established by the district and by rule adopted by the commissioner; and

(D) who satisfies any other requirements established by rule adopted by the commissioner.

(e) Unless reduced under Subsection (g) or (i), a stipend under Subsection (d)(2) is in the amount of \$5,000.

(f) The commissioner shall adopt rules for the distribution of grants to school districts in years following the year of the initial grant. A district that has been approved for a grant to pay a stipend to a certified master technology teacher is not required to reapply for a grant for two consecutive school years following the year of the initial grant if the district:

(1) continues to pay a stipend as provided by Subsection (g); and
(2) notifies the commissioner in writing, within the period and in the manner prescribed by the commissioner, that the circumstances on which the grant was based have not changed.

(g) The commissioner shall reduce payments to a school district proportionately to the extent a teacher does not meet the requirements under Subsection (d)(2) for the entire school year. A district that employs more certified master technology teachers than the number of grants available under this section shall select the certified master technology teachers to whom to pay stipends based on a policy adopted by the board of trustees of the district, except that a district shall pay a stipend for two additional consecutive school years to a teacher the district has selected for and paid a stipend for a school year, who remains eligible for a stipend under Subsection (d)(2), and for whom the district receives a grant under this section for those years. A decision of the district under this subsection is final and may not be appealed. The district may not apportion among teachers a stipend paid for with a grant the district receives under this section. The district may use local money to pay additional stipends in amounts determined by the district.

(h) A grant a school district receives under this section is in addition to any funding the district receives under Chapter 42. The commissioner shall distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. A district to which Chapter 41 applies is entitled to the grants paid under this section. The commissioner shall determine the timing of the distribution of grants to a district that does not receive Foundation School Program payments.

(i) This section does not create a property right to a grant or stipend. A school district is entitled to a grant to carry out the purposes of this section only to the extent the commissioner makes the grant in accordance with this section and only to the extent sufficient state funds are appropriated for those purposes. If state funds are appropriated but are insufficient to fully fund a grant, the commissioner shall determine the method of distributing the funds.

(j) A decision of the commissioner concerning the amount of money to which a school district is entitled under this section is final and may not be appealed. Each district shall, in the manner and at the time prescribed by the commissioner, provide to the commissioner proof acceptable to the commissioner of the master technology teacher certification of a teacher to whom the district is paying a stipend under this section.

(k) The commissioner may audit the expenditure of money appropriated for purposes of this section. A district's use of the money appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(l) A stipend a teacher receives under this section is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

(m) The commissioner may adopt other rules as necessary to implement this section.

SECTION 2. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0482 to read as follows:

Sec. 21.0482. MASTER TECHNOLOGY TEACHER CERTIFICATION. (a) To ensure that there are teachers with special training to work with other teachers and with students in order to increase the use of technology in each classroom, the board shall establish a master technology teacher certificate.

(b) The board shall issue a master technology teacher certificate to each eligible person.

(c) To be eligible for a master technology teacher certificate, a person must:

(1) hold a technology applications or Technology Education certificate issued under this subchapter, satisfactorily complete the course of instruction prescribed under Subdivision (2)(B), and satisfactorily perform on the examination prescribed under Subdivision (2)(C); or

(2) hold a teaching certificate issued under this subchapter and:

(A) have at least three years of teaching experience;

(B) satisfactorily complete a knowledge-based and skills-based course of instruction on interdisciplinary technology applications and the science of teaching technology that includes training in:

(i) effective technology instruction techniques, including applications designed to meet the educational needs of students with disabilities;

(ii) classroom teaching methodology that engages student learning through the integration of technology;

(iii) digital learning competencies, including Internet research, graphics, animation, website mastering, and video technologies;

(iv) curriculum models designed to prepare teachers to facilitate an active student learning environment; and

(v) effective professional peer mentoring techniques;

(C) satisfactorily perform on an examination developed in cooperation with the Telecommunications Infrastructure Fund Board and administered at the conclusion of the course of instruction prescribed under Paragraph (B); and

(D) satisfy any other requirements prescribed by the board.

(d) The board may provide technology applications training courses under Subsection (c)(2)(B) in cooperation with:

(1) regional education service centers; and

(2) other public or private entities, including any state council on technology.

SECTION 3. Section 822.201(b), Government Code, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically

authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986 (26 U.S.C. Section 125), if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e); ~~and~~

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, as added by Chapter 417, Acts of the 74th Legislature, 1995, except as provided by Subsection (c); and

(6) stipends paid to teachers in accordance with Sections ~~[Section]~~ 21.410 and 21.411, Education Code.

SECTION 4. The State Board for Educator Certification shall propose rules establishing requirements and prescribing an examination for master technology teacher certification not later than September 1, 2003.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

HB 1686 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kolkhorst called up with senate amendments for consideration at this time,

HB 1686, A bill to be entitled An Act relating to reporting of animal diseases by veterinarians.

On motion of Representative Kolkhorst, the house concurred in the senate amendments to **HB 1686** by (Record 444): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts;

Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Rangel.

Absent — Callegari; McReynolds.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1686** as follows:

(1) In SECTION 1 of the bill, in Section 161.101, Agriculture Code, (Senate Committee Printing page 1, line 14), insert "bison" after "exotic livestock," and before "domestic."

(2) Add a new SECTION _____. and renumber the subsequent Sections accordingly.

SECTION _____. Chapter 2, Agriculture Code, is amended by adding Section 2.004. to read as follows:

Sec. 2.004. POLICY: BISON. The agriculture policy of this state must recognize that bison:

(1) are wild animals indigenous to this state;

(2) are distinct from cattle, livestock, exotic livestock and game animals; and

(3) may be raised and used for:

(A) commercial purposes; or

(B) the purpose of preserving the bison species.

Senate Amendment No. 2 (Senate Floor Amendment No. 1)

Amend **HB 1686** on third reading by striking subsection (2) of Second Reading Floor Amendment No. 1 lines 5-16.

HB 3064 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Junell called up with senate amendments for consideration at this time,

HB 3064, A bill to be entitled An Act relating to the issuance of general obligation bonds by the Texas Public Finance Authority for certain construction and repair projects.

On motion of Representative Junell, the house concurred in the senate amendments to **HB 3064**.

Senate Committee Substitute

CSSH 3064, A bill to be entitled An Act relating to the issuance of general obligation bonds by the Texas Public Finance Authority for certain construction and repair projects and equipment purchases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 1232, Government Code, is amended by adding Section 1232.1115 to read as follows:

Sec. 1232.1115. CERTAIN CONSTRUCTION AND REPAIR PROJECTS AND EQUIPMENT PURCHASES; GENERAL OBLIGATION BONDS. (a) The authority has the exclusive power to issue general obligation bonds under Section 50-f, Article III, Texas Constitution. The board shall issue the bonds in a cumulative amount not to exceed \$850 million for:

(1) construction or repair projects in or outside Travis County that are administered by or on behalf of a state agency listed in Section 50-f, Article III, Texas Constitution, and authorized by the legislature in accordance with Section 1232.108; or

(2) the purchase of needed equipment by or on behalf of such an agency, and authorized by the legislature by the General Appropriations Act or other law.

(b) The board shall provide for, issue, and sell the bonds in accordance with Section 50-f, Article III, Texas Constitution, and this chapter. Proceeds from the sale of the bonds shall be invested as provided by this chapter.

(c) Proceeds from the sale of the bonds may be spent on an authorized project or for the purchase of needed equipment only in accordance with the legislative appropriation of the proceeds.

SECTION 2. This Act takes effect on the date on which the constitutional amendment proposed by the 77th Legislature at its regular session authorizing the issuance of general obligation bonds in an amount not to exceed \$850 million for construction and repair projects and for the purchase of needed equipment takes effect. If that amendment is not approved by the voters, this Act has no effect.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 214 ON SECOND READING **(Williams and Keel - House Sponsors)**

SB 214, A bill to be entitled An Act relating to the statute of limitations for the presentation of certain felony indictments.

SB 214 was read second time on May 15 and was postponed until this time.

Amendment No. 1

Representative Wise offered the following amendment to **SB 214**:

Amend **SB 214** by adding the following appropriately numbered SECTION and by renumbering existing SECTIONS accordingly:

SECTION _____. (a) Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation: murder and manslaughter;

(2) ten years from the date of the commission of the offense:

(A) theft of any estate, real, personal or mixed, by an

executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) theft by a public servant of government property over which he exercises control in his official capacity; or

(C) forgery or the uttering, using or passing of forged instruments; or

~~[(D) indecency with a child under Section 21.11(a)(2), Penal Code;]~~

(3) seven years from the date of the commission of the offense:

(A) misapplication of fiduciary property or property of a financial institution;

(B) securing execution of document by deception; or

(C) a violation under Sections 153.403(22)-(39), Tax Code;

(4) five years from the date of the commission of the offense:

(A) theft, burglary, robbery;

(B) arson; or

(C) sexual assault, except as provided in Subsection (5) of this article;

(5) ten years from the 16th ~~[18th]~~ birthday of the victim of the offense:

(A) indecency with a child under Section 21.11(a)(1) or (2), Penal Code;

(B) sexual assault under Section 22.011(a)(2), Penal Code; or

(C) aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code; or

(6) three years from the date of the commission of the offense: all other felonies.

(b) The change in law made by this Act in amending Article 12.01, Code of Criminal Procedure, does not apply to an offense if the prosecution of that offense became barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as if this Act had not taken effect.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Noriega offered the following amendment to **SB 214**:

Amend **SB 214** as follows:

on page 1, line 10, strike subsection (1) and insert the following:

(1) no limitation: murder, ~~and~~ manslaughter, and an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

Amendment No. 2 was adopted without objection.

SB 214, as amended, was passed to third reading.

SB 454 ON SECOND READING (Alexander - House Sponsor)

SB 454, A bill to be entitled An Act relating to the collection and enforcement of tolls on certain toll roads and toll projects; providing for civil and criminal penalties.

SB 454 was read second time on May 9 and was postponed until this time.

Representative Alexander moved to postpone consideration of **SB 454** until 10 a.m. Friday, May 18.

The motion prevailed without objection.

CSSB 510 ON SECOND READING
(Walker - House Sponsor)

CSSB 510, A bill to be entitled An Act relating to the procurement methods a political subdivision or a related entity may use.

CSSB 510 was read second time on May 10 and was postponed until this time.

Amendment No. 1

Representative Walker offered the following amendment to **CSSB 510**:

Amend **CSSB 510** (House Committee Report) as follows:

(1) In SECTION 4 of the bill, in added Section 271.111(7), Local Government Code (page 4, line 5), strike "a building or structure" and substitute "buildings".

(2) In SECTION 4 of the bill, in added Section 271.111(7), Local Government Code (page 4, line 6), strike "is" and substitute "are".

(3) In SECTION 4 of the bill, at the end of added Section 271.114(a), Local Government Code (page 8, line 10), add "The governing body may, as appropriate, delegate its authority under this section to a designated representative."

(4) In SECTION 4 of the bill, in added Section 271.114(b), Local Government Code (page 8, line 14), between "qualifications" and "the", insert "all".

(5) In SECTION 5 of the bill, in amended Section 2254.002(1)(C), Government Code (page 24, line 16), between "subdivision" and the semicolon, insert "in the planning and design of a construction project".

(6) In SECTION 7 of the bill, in amended Section 51.780(c), Education Code (page 26, line 14), strike "shall [may]" and substitute "may".

(7) Add the following appropriately numbered SECTIONS to the bill to read as follows and renumber subsequent SECTIONS of the bill appropriately:

SECTION __. Section 44.035(b), Education Code, is amended to read as follows:

(b) The district shall base its selection among offerors on criteria authorized to be used under Section 44.031(b). The district shall publish in the request for bids, proposals, or qualifications the criteria that will be used to evaluate the offerors and the relative weights[, ~~if known at the time of the publication,~~] given to the criteria.

SECTION __. Section 292.001(a), Local Government Code, is amended to read as follows:

(a) The commissioners court of a county may purchase, construct, or provide by other means, including a lease or a lease with an option to purchase, or may reconstruct, improve, or equip a building or rooms, other than the courthouse, for the housing of county or district offices, county or

district courts, justice of the peace courts, county records or equipment (including voting machines), or county jail facilities, or for the conducting of other public business, if the commissioners court determines that the additional building or rooms are necessary. The commissioners court may purchase and improve the necessary site for the building or rooms.

SECTION __. Section 292.022(b), Local Government Code, is amended to read as follows:

(b) The commissioners court of a county may acquire land for a branch county office building, ~~and~~ may purchase, construct, repair, equip, or improve the building, and may acquire the building through a lease or lease with an option to purchase, at a location in a municipality that:

- (1) has a population of 10,000 or more;
- (2) is not the county seat; and
- (3) is not contiguous to the county seat.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Walker offered the following amendment to **CSSB 510**:

Amend **CSSB 510** as follows:

(1) In Section 4, delete the added subsection 271.113 (b)(8) and insert in lieu thereof the following:

(8) any other relevant factor specifically listed in the request for bids or proposals.

(2) Add two new Sections, appropriately numbered, to read as follows:

SECTION __. Sec. 44.031 (b) (8), Education Code, is amended as follows:

(8) any other relevant factor specifically listed in the request for bids or proposals ~~[that a private business entity would consider in selecting a vendor]~~.

SECTION __. Sec. 44.0315 (4), Education Code, is amended as follows:

(4) "Facility" means real property, including buildings and associated structures and improved or unimproved land. The term does not include:

(A) highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction; or

(B) buildings or structures that are incidental to projects that are primarily civil engineering construction projects.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative G. Lewis offered the following amendment to **CSSB 510**:

Amend **CSSB 510** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 252.043, Local Government Code, is amended to read as follows:

Sec. 252.043. AWARD OF CONTRACT. (a) If the competitive sealed bidding requirement applies to the contract, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(b) In determining the best value for the municipality, the municipality may consider:

(1) the purchase price;

(2) the reputation of the bidder and of the bidder's goods or services;

(3) the quality of the bidder's goods or services;

(4) the extent to which the goods or services meet the municipality's needs;

(5) the bidder's past relationship with the municipality;

(6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;

(7) the total long-term cost to the municipality to acquire the bidder's goods or services; and

(8) any other relevant factor that a private business entity would consider in selecting a bidder.

(c) Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(d) The governing body may reject any and all bids.

(e) A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. This chapter does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

(f) [(b)] If the competitive sealed proposals requirement applies to the contract, the contract must be awarded to the responsible offer or whose proposal is determined to be the most advantageous to the municipality considering the relative importance of price and the other evaluation factors included in the request for proposals.

SECTION _____. The change in law made by this Act to Section 252.043, Local Government Code, applies only to a contract awarded on or after the effective date of this Act.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Junell offered the following amendment to **CSSB 510**:

Amend the **CSSB 510** by adding a new section as follows:

SECTION _____. Subchapter B, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.0211 to read as follows:

Sec.101.0211. NO LIABILITY FOR JOINT ENTERPRISE. The common law doctrine of vicarious liability because of participation in a joint enterprise does not impose liability on a governmental unit for a claim brought under this chapter.

Amendment No. 4 was adopted without objection. (The vote was reconsidered later today, and the amendment was withdrawn.)

Amendment No. 5

Representative Bosse offered the following amendment to **CSSB 510**:

Amend **CSSB 510** in SECTION 4 of the bill, in proposed Subchapter H, Chapter 271, Local Government Code (House Committee Report, page 24, between lines 8 and 9), by adding a new Section 271.122 to read as follows:

Sec. 271.122. AGREEMENT FOR PAYMENT OF CONSTRUCTION SUBCONTRACTOR. (a) In this section:

(1) "Improvement" includes new construction, remodeling, or repair.

(2) "Original contractor" means a person contracting with a governmental entity either directly or through the governmental entity's agent for the improvement of the governmental entity's real property under this subchapter. The term includes a person who performs construction management services.

(3) "Subcontractor" means a person who contracts to furnish labor or material to an original contractor or another subcontractor in connection with a contract for the improvement of real property.

(b) A provision in a contract or other agreement under this subchapter that provides that the payment of a subcontractor for work performed or materials furnished is conditioned on the receipt of payment by the original contractor or another subcontractor from another person, including the governmental entity for whom the improvement is being made, is void.

(c) A person may not waive this section by contract or other means. A purported waiver of this section is void.

Amendment No. 5 was adopted.

Representative Walker moved to postpone consideration of **CSSB 510** until 11:45 a.m. today.

The motion prevailed without objection.

SB 1053 ON SECOND READING

(Chavez, P. Moreno, Haggerty, Pickett, Najera, et al. - House Sponsors)

SB 1053, A bill to be entitled An Act relating to rates and expenditures under the Medicaid and state child health plan programs in the Texas-Mexico border region.

SB 1053 was read second time on May 10, postponed until May 15, and was again postponed until this time.

Representative Haggerty moved to postpone consideration of **SB 1053** until 2 p.m. Friday, May 18.

The motion prevailed without objection.

CSSB 7 ON SECOND READING

(Hinojosa, Thompson, Goodman, Shields, Keel, et al. - House Sponsors)

CSSB 7, A bill to be entitled An Act relating to the period during which a person arrested is required to be taken before a magistrate and to the appointment and compensation of counsel to represent indigent persons accused of crime.

CSSB 7 was read second time on May 10, postponed until May 15, and was again postponed until this time.

Representative Hinojosa moved to postpone consideration of **CSSB 7** until 1:00 p.m. today.

The motion prevailed without objection.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 303 ON THIRD READING
(Gallego, Capelo, and Thompson - House Sponsors)**

SB 303, A bill to be entitled An Act relating to the functions of the State Commission on Judicial Conduct.

SB 303 was passed.

**SB 305 ON THIRD READING
(Bosse, Kuempel, McCall, Chisum, and Cook - House Sponsors)**

SB 305, A bill to be entitled An Act relating to the continuation and functions of the Parks and Wildlife Department.

Amendment No. 1

Representative Bosse offered the following amendment to **SB 305**:

Amend **SB 305** on third reading by adding the following appropriately numbered section to the bill and renumbering the remaining sections of the bill appropriately:

SECTION _____. Section 11.033, Parks and Wildlife Code, is amended to read as follows:

Sec. 11.033. **USE OF GAME, FISH, AND WATER SAFETY ACCOUNT.** To the extent allowed by federal law, money ~~[Money]~~ in the game, fish, and water safety account may be used for the following purposes:

(1) enforcement of fish, shrimp, and oyster laws, game laws, and laws pertaining to sand, shell, and gravel;

(2) dissemination of information pertaining to marine life, wild animal life, wildlife values, and wildlife management;

(3) scientific investigation and survey of marine life for the better protection and conservation of marine life;

(4) establishment and maintenance of fish hatcheries, fish sanctuaries, tidal water fish passes, wildlife management areas, and public hunting grounds;

(5) propagation and distribution of marine life, game animals, and wild birds;

(6) protection of wild birds, fish, and game;

(7) purchase, repair, and operation of boats and dredges;

(8) research, management, and protection of the fish and wildlife resources of this state, including alligators and fur-bearing animals;

(9) salaries of employees and other expenses necessary to carry out

the duties of the department under laws relating to fish, shrimp, oysters, game, water safety, and sand, shell, and gravel;

(10) expansion and development of additional opportunities of hunting and fishing in state-owned land and water;

(11) removing rough fish from public water;

(12) administration and enforcement of the water safety laws as set out in Chapter 31;

(13) purchasing all necessary forms and supplies, including reimbursement of the department for any material produced by its existing facilities or work performed by other divisions of the department;

(14) purchase, construction, and maintenance of boat ramps on or near public waters as provided in Chapter 31;

(15) resource protection activities; and

(16) any other use provided by law.

(b) The department may use money from license fees paid by hunters and fisherman only for those functions required to manage the fish and wildlife resources of this state.

Amendment No. 1 was adopted without objection.

SB 305, as amended, was passed.

SB 310 ON THIRD READING

(Chisum, R. Lewis, and Bosse - House Sponsors)

SB 310, A bill to be entitled An Act relating to the continuation and functions of the Railroad Commission of Texas.

SB 310 was passed.

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

The following bills were laid before the house and read second time:

CSSB 314 ON SECOND READING

(McCall - House Sponsor)

CSSB 314, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Banking and the regulation of certain financial institutions and businesses; providing an administrative penalty.

Amendment No. 1

Representative Isett offered the following amendment to **CSSB 314**:

Amend **CSSB 314** by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS appropriately:

SECTION _____. Subchapter D, Chapter 154, Finance Code, is amended by adding Section 154.1551 to read as follows:

Sec. 154.1551. MODIFICATION AT TIME OF FUNERAL. (a) The funeral merchandise and services to be provided by the seller under a fully paid prepaid funeral benefits contract may be modified after the death of the beneficiary if the modification complies with Subsection (b) or is otherwise

agreed to in a writing signed by the seller and the person charged with the disposition of the beneficiary's remains by Section 711.002(a), Health and Safety Code, except that:

(1) if the purchaser of the contract is also the beneficiary:

(A) the contracted funeral merchandise and services may not be modified if the contract contains a clause that prohibits modification; and

(B) a modification may not change the type of disposition specified by the purchaser in the contract, whether by burial, cremation, or another alternative by which the purchaser's remains attain their final resting place, as provided by Section 711.002(g), Health and Safety Code; and

(2) the value attributed to any contracted funeral merchandise or service that is surrendered or exchanged in a modification must be computed on a comparable time-price basis with the price charged for substituted funeral merchandise or service provided as part of the modification.

(b) The person charged with the disposition of the beneficiary's remains by Section 711.002(a), Health and Safety Code, may make reasonable modifications to the funeral merchandise and services provided under a prepaid funeral contract at the time the funeral is performed, not to exceed 10 percent of the original purchase price of the contract. This subsection does not require the seller to:

(1) refund a portion of the funds attributable to the contract if the seller grants credit for surrender or exchange as provided by Subsection (a)(2);

(2) provide substituted or additional funeral merchandise or services in excess of credits granted under Subsection (a)(2) unless the seller receives additional compensation at current prices; or

(3) apply a portion of the funds attributable to the contract or credits granted under Subsection (a)(2) to another contract or funeral.

(c) The person charged with the disposition of the beneficiary's remains by Section 711.002(a), Health and Safety Code, may not modify a prepaid funeral benefits contract that has not been fully paid at the time of death of the beneficiary except as agreed to in a writing signed by the seller and the person.

SECTION __. Section 154.156, Finance Code, is amended to read as follows:

Sec. 154.156. WAIVER OF RIGHT OF CANCELLATION. (a) The purchaser of a prepaid funeral benefits contract may irrevocably waive the purchaser's right to cancel the contract under Section 154.155. The waiver must ~~may be a part of the contract or~~ be in a separate writing signed by the purchaser and the seller not earlier than the 15th day after the date of the purchase of the contract. The form of the waiver must comply with the requirements for the form of a sales contract under Section 154.151.

(b) A waiver made under this section does not affect:

(1) a right the purchaser has under the contract to change the beneficiary of the contract;

(2) the purchaser's right to cancel the contract under Section 154.413;
[or]

(3) an abandonment of the money paid by the purchaser under the contract as provided by Subchapter G; or

(4) a modification to the contract as provided by Section 154.1551.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Allen offered the following amendment to **CSSB 314**:

Amend **CSSB 314** by adding the following SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Subchapter A, Chapter 712, Health and Safety Code, is amended by adding Section 712.009 to read as follows:

Sec. 712.009. LIMITATIONS ON BURIALS; DAMAGES. (a) The Finance Commission of Texas shall adopt rules to administer and enforce this section.

(b) An individual, corporation, partnership, firm, trust, or association that operates or owns a perpetual care cemetery may not inter the remains of an individual who may have caused the death of another person if:

(1) the victim is interred in that cemetery; and

(2) the person having the right to control the disposition of the victim's remains under Section 711.002(a) gives written notice to the cemetery requesting that the individual not be interred in that cemetery if:

(A) the individual was convicted under Section 19.02, 19.03, 19.05, or 49.08, Penal Code, for causing the death of the victim, or convicted under a similar statute of another state; or

(B) the individual was identified as causing the death of the victim, in violation of a provision described by Paragraph (A), by the medical examiner or law enforcement agency having jurisdiction over the offense, and the individual dies before being convicted of the offense.

(c) An individual, corporation, partnership, firm, trust, or association that violates Subsection (b) is liable to the person having the right to control the disposition of the victim's remains under Section 711.002(a) for:

(1) any actual damages incurred;

(2) punitive damages not to exceed \$10,000; and

(3) reasonable attorney's fees and court costs incurred in an effort to enforce compliance with Subsection (b).

(d) Damages under Subsection (c) or a civil penalty under Section 712.0441 may not be assessed if the individual, corporation, partnership, firm, trust, or association that operates the cemetery proves by a preponderance of the evidence that:

(1) the cemetery is the only cemetery serving the municipality or county in which the victim and individual causing the victim's death lived; and

(2) the bodies of the victim and individual causing the victim's death were placed as far apart as possible in, or in different parts of, the cemetery.

(e) An individual, corporation, partnership, firm, trust, or association operating or owning a perpetual care cemetery and barred from interring remains of an individual under this section may not be held liable for damages by a person having the right to control the disposition of the individual's remains under Section 711.002(a), including damages for failure to provide for interment under a contract executed before the delivery of the written notice under Subsection (b) (2).

(f) A notice under Subsection (b) (2) expires seven years after the date the notice is delivered. A new notice may be delivered on the expiration of each previous notice.

SECTION 2. Section 712.0441(a), Health and Safety Code, is amended to read as follows:

(a) A corporation shall be subject to a civil penalty upon the occurrence of any of the following violations:

(1) the corporation does not make a deposit in its fund as required by Section 712.028;

(2) the corporation does not file a statement of funds as required by Section 712.041; [or]

(3) the corporation does not pay the filing fee as required by Section 712.042; or

(4) the corporation violates Section 712.009.

Amendment No. 2 was adopted without objection.

CSSB 314, as amended, was passed to third reading.

CSSB 4 ON SECOND READING

(Brimer, R. Lewis, and Alexander - House Sponsors)

CSSB 4, A bill to be entitled An Act relating to the administration and use of the Texas Mobility Fund and the issuance of obligations for financing the construction, reconstruction, acquisition, and expansion of state highways and other mobility projects.

Amendment No. 1

Representative Brimer offered the following amendment to **CSSB 4**:

Amend **CSSB 4** as follows:

- (1) On page 4, line 2, strike "(f)" and substitute "(e)".
- (2) On page 4, line 4, strike "(g)" and substitute "(f)".
- (3) On page 4, line 18, strike "(f)" and substitute "(e)".
- (4) On page 4, line 20, strike "(g)" and substitute "(f)".
- (5) On page 5, line 8, strike "(i)" and substitute "(h)".
- (6) On page 5, line 23, strike "(k)" and substitute "(j)".
- (7) On page 6, line 4, strike "(f)" and substitute "(e)".
- (8) On page 6, line 5, strike "(g)" and substitute "(f)".
- (9) On page 6, line 14, strike "(h)" and substitute "(g)".
- (10) On page 6, line 20, strike "(f)" and substitute "(e)".
- (11) On page 6, line 22, strike "(g)" and substitute "(f)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Y. Davis offered the following amendment to **CSSB 4**:

Amend **CSSB 4** in SECTION 1 by adding a new Section 201.947, Transportation Code, to read as follows:

Sec. 201.947. STRATEGIC PLAN. The commission may not issue obligations under this subchapter before the department has developed a strategic plan that outlines how the money will be used and the benefit the state will derive from use of money in the fund.

Amendment No. 2 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CSSB 4 - (consideration continued)

Amendment No. 3

Representative McClendon offered the following amendment to **CSSB 4**:

Amend **CSSB 4** as follows:

(1) Add the following SECTION to the bill, appropriately numbered, and renumber the subsequent SECTIONS of the bill appropriately:

SECTION _____. (a) Section 201.051, Transportation Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) The Texas Transportation Commission consists of five [~~three~~] members appointed by the governor with the advice and consent of the senate.

(b) Two members [~~One member~~] must reside in a rural area.

(c) Appointments to the commission shall be made so that each geographic area of the state is represented on the commission. Each member of the commission must represent the general public.

(e) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program in fund management or management of debt. The program must include training sufficient for the members of the commission to properly manage, invest, use, and administer the Texas Mobility Fund under Subchapter M, as required by Section 201.942.

(b) Section 201.052, Transportation Code, is amended to read as follows:

Sec. 201.052. TERMS. Members of the commission serve staggered six-year terms, with the terms of either one or two members [~~one member's term~~] expiring February 1 of each odd-numbered year in accordance with Section 30a, Article XVI, Texas Constitution.

(c) Promptly after September 1, 2001, the governor shall appoint two additional members to the Texas Transportation Commission. Of those members, the governor shall appoint one to serve a term expiring February 1, 2005, and one to serve a term expiring February 1, 2007.

(d) The changes in law made by this section in the qualifications of members of the Texas Transportation Commission do not affect the entitlement of a member serving on the commission immediately before the effective date of this section to continue to carry out the commission's functions for the remainder of the member's term. The changes in law apply only to a member appointed on or after the effective date of this section. The changes in law do not prohibit a person who is a member of the commission on the effective date of this section from being reappointed to the commission if the person has the qualifications required for a member under Section 201.051, Transportation Code, as amended by this section.

(2) In SECTION 2 of the bill (Committee Printing, page 7, after line 24), at the end of Subsection (b) of that section, add the following:

(c) Notwithstanding Subsections (a) and (b) of this section, this subsection and the section of this Act that amends Sections 201.051 and 201.052, Transportation Code, take effect September 1, 2001.

Representative Alexander raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill

The speaker sustained the point of order.

The ruling precluded further consideration of the amendment.

CSSB 4, as amended, was passed to third reading.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSSB 510 ON SECOND READING (Walker - House Sponsor)

CSSB 510, A bill to be entitled An Act relating to the procurement methods a political subdivision or a related entity may use.

CSSB 510 was read second time on May 10 and was postponed. It was on the calendar earlier today, amended, and postponed until this time.

Amendment No. 4 - Vote Reconsidered

Representative Bosse moved to reconsider the vote by which Amendment No. 4 was adopted.

The motion to reconsider prevailed.

Amendment No. 4 was withdrawn.

CSSB 510, as amended, was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Sadler requested permission for the conference committee on **HB 3343** to meet while the house is in session throughout the day tomorrow, May 17.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Energy Resources, upon noon recess today, Desk 4, for a formal meeting, to consider pending business.

Urban Affairs, upon noon recess today, Desk 46, for a formal meeting to consider **SB 322**, **SB 1564**, **SB 1760**, and **SJR 50**.

Ways and Means, upon noon recess today, Desk 61, for a formal meeting, to consider pending business.

State, Federal, and International Relations, upon noon recess today, Desk 47, for a formal meeting, to consider **SCR 2**.

Civil Practices, upon noon recess today, Desk 112, for a formal meeting, to consider pending business.

Judicial Affairs, upon noon recess today, Desk 67, for a formal meeting, to consider **SB 1379, SB 1417, SB 1808, SJR 49.**

Transportation, upon noon recess today, Desk 25, for a formal meeting.

Human Services, upon noon recess today, Desk 63, for a formal meeting, to consider pending business.

Insurance, upon noon recess today, Desk 24, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon noon recess today, speakers committee room, for a formal meeting, to consider pending bills.

Conference committee on **HB 3343** 8 a.m. tomorrow, Betty King committee room.

County Affairs, upon noon recess today, Desk 56, for a formal meeting, to consider **SB 1780.**

Local and Consent Calendars, upon noon recess today, Desk 88, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon noon recess today, Desk 66, for a formal meeting.

RECESS

Governor Perry moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:12 p.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSSB 7 ON SECOND READING

(Hinojosa, Thompson, Goodman, Shields, Keel, et al. - House Sponsors)

CSSB 7, A bill to be entitled An Act relating to the period during which a person arrested is required to be taken before a magistrate and to the appointment and compensation of counsel to represent indigent persons accused of crime.

CSSB 7 was read second time on May 10, postponed until May 15, postponed until 10 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Talton offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, in SECTION 4 of the bill, in amended Article 15.17(a), Code of Criminal Procedure (house committee report, page 4, line 15), by striking "in a manner understood by the person".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Dunnam, Representative Hinojosa offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, in SECTION 5 of the bill, as follows:

(1) In added Article 26.04(b)(4), Code of Criminal Procedure (house committee report, page 7, line 13), after "Article 26.052:", strike "and".

(2) In added Article 26.04(b)(5), Code of Criminal Procedure (house committee report, page 7, line 18), strike "rules of ethics." and substitute the following:

rules of ethics; and

(6) ensure that appointments are allocated among qualified attorneys in a manner that is fair, neutral, and nondiscriminatory.

Amendment No. 2 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSSB 7 - (consideration continued)**Amendment No. 3**

Representative Garcia offered the following amendment to **CSSB 7**:

Amend **CSSB 7** in SECTION 5 of the bill as follows:

(1) In amended Article 26.04(c), Code of Criminal Procedure (house committee report, page 7, line 26), between "with" and "the", insert "this subsection and".

(2) In amended Article 26.04(c), Code of Criminal Procedure (house committee report, page 7, line 27), after the period, insert:

If the court or the court's designee determines that the defendant does not speak and understand the English language or that the defendant is deaf, the court or the court's designee shall make an effort to appoint an attorney who is capable of communicating in a language understood by the defendant.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Hinojosa offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, in SECTION 5 of the bill, in amended Article 26.04(m), Code of Criminal Procedure (house committee report, page 12, lines 22 and 23), by striking "spousal income that is available to the defendant, and the defendant's ability to obtain a loan" and substituting "and spousal income that is available to the defendant".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Dunnam offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, in SECTION 5 of the bill, in amended Article 26.04, Code of Criminal Procedure (house committee report, page 14, between lines 7 and 8), by inserting the following:

(r) A court may not threaten to arrest or incarcerate a person solely because the person requests the assistance of counsel.

Amendment No. 5 was adopted without objection.

Amendment No. 6

On behalf of Representative Shields, Representative Hinojosa offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, in SECTION 7 of the bill, in amended Article 26.05(b), Code of Criminal Procedure (house committee report, page 19, line 17), after the period, by inserting "On adoption of a schedule of fees as provided by this subsection, a copy of the schedule shall be sent to the commissioners court of the county."

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Puente offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, in SECTION 7 of the bill, in amended Article 26.05(c), Code of Criminal Procedure (house committee report, page 19, lines 21-22), by striking "customary rates charged for similar legal services in the community" and substituting "the availability of qualified attorneys willing to accept the stated rates".

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Hinojosa offered the following amendment to **CSSB 7**:

Amend **CSSB 7** as follows:

(1) In SECTION 13 of the bill, in the heading to added Section 71.059, Government Code (House committee report, page 32, line 13), between "**FUNDS**" and the period, insert "**STATE GRANTS TEAM**".

(2) In SECTION 13 of the bill, after the heading to added Section 71.059, Government Code (House committee report, page 32, line 13), add "(a)".

(3) In SECTION 13 of the bill, at the end of added Section 71.059, Government Code (House committee report, page 32, between lines 16 and 17), add the following subsection:

(b) The State Grants Team of the Governor's Office of Budget and Planning may assist the task force in identifying grants and other resources available for use by the task force in performing its duties under this subchapter.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Hinojosa offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, between SECTIONS 13 and 14 of the bill (house committee report, page 36, between lines 23 and 24), by inserting the following:

Sec. 71.063. IMMUNITY FROM LIABILITY. The task force, a member of the task force, or an agent of the task force performing duties on behalf of the task force is not liable for damages arising from an act or omission within the scope of the duties of the task force.

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Hinojosa offered the following amendment to **CSSB 7**:

Amend **CSSB 7**, in SECTION 14 of the bill, between "26.050," and "and 26.058," (House Committee Printing, page 36, line 25), by inserting "26.053, as added by the 77th Legislature, Regular Session, 2001, 26.054, as added by the 77th Legislature, Regular Session, 2001,".

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Gallego offered the following amendment to **CSSB 7**:

Amend **CSSB 7** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. (a) Article 11.071, Code of Criminal Procedure, is amended by adding Section 8A to read as follows:

Sec. 8A. INCOMPETENT COUNSEL. If the applicant asserts as a claim in the application for a writ of habeas corpus that the applicant at trial was represented by appointed counsel and that the appointed counsel was incompetent, the convicting court in the findings of facts and conclusions of law shall state whether the counsel appointed:

(1) was at the time of appointment on the list of qualified attorneys described by Article 26.052(e); and

(2) provided representation at trial in a manner at least as competent as the minimum level of competence to be expected by the trial court of counsel meeting the standards adopted by the local selection committee under Article 26.052(d).

(b) The change in law made by this section applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is covered by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative Keel offered the following amendment to **CSSB 7**:

Amend **CSSB 7** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.033 to read as follows:

Art. 17.033. RELEASE ON BOND OF CERTAIN PERSONS ARRESTED WITHOUT A WARRANT. (a) Except as provided by Subsection (c), a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000, not later than the 24th hour after the person's arrest if the person was arrested for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

(b) Except as provided by Subsection (c), a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$10,000, not later than the 48th hour after the person's arrest if the person was arrested for a felony and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

(c) On the filing of an application by the attorney representing the state, a magistrate may postpone the release of a person under Subsection (a) or (b) for not more than 72 hours after the person's arrest. An application filed under this subsection must state the reason a magistrate has not determined whether probable cause exists to believe that the person committed the offense for which the person was arrested.

(b) Article 17.033, Code of Criminal Procedure, as added by this Act, applies only to a person who is arrested on or after the effective date of this Act. A person who is arrested before the effective date of this Act is covered by the law in effect at the time of the arrest, and the former law is continued in effect for that purpose.

Amendment No. 12 was adopted without objection.

Amendment No. 13

Representative G. Lewis offered the following amendment to **CSSB 7**:

Amend **CSSB 7** in SECTION 2 of the bill as follows:

(1) In amended Article 1.051, Code of Criminal Procedure (house committee report, page 2, line 21), reletter new subsection (j) to (k) and add the following new subsection (j):

(j) Notwithstanding any other provision of this section, if an indigent defendant is released from custody prior to the appointment of counsel under this section, counsel shall be appointed at the defendant's first court appearance.

(Sadler in the chair)

Representative Keel moved to table Amendment No. 13.

A record vote was requested.

The motion to table was lost by (Record 445): 47 Yeas, 90 Nays, 2 Present, not voting.

Yeas — Bailey; Capelo; Danburg; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Flores; Garcia; Green; Gutierrez; Hinojosa; Hochberg; Hodge; Keel; King, T.; Kitchen; Krusee; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Moreno, J.; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Raymond; Reyna, A.; Ritter; Salinas; Solis; Talton; Thompson; Tillery; Turner, S.; Uresti; Villarreal; Wilson; Yarbrough; Zbraneck.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Eiland; Ellis; Farabee; Gallego; George; Geren; Giddings; Glaze; Goodman; Gray; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keffer; King, P.; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; Menendez; Miller; Moreno, P.; Morrison; Mowery; Pitts; Puente; Ramsay; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Truitt; Turner, B.; Uher; Walker; West; Williams; Wise; Woolley.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Hilbert; Rangel.

Absent — Chavez; Coleman; Elkins; Goolsby; Longoria; Merritt; Telford; Wohlgemuth; Wolens.

STATEMENT OF VOTE

I was shown voting no on Record No. 445. I intended to vote yes.

Deshotel

Amendment No. 13 was withdrawn.

Amendment No. 14

Representatives G. Lewis and Hinojosa offered the following amendment to **CSSB 7**:

Amend **CSSB 7** in SECTION 2 of the bill as follows:

(1) In amended Article 1.051, Code of Criminal Procedure (house committee report, page 2, line 21), reletter new subsection (j) to (k) and add the following new subsection (j):

(j) Notwithstanding any other provision of this section, if an indigent defendant is released from custody prior to the appointment of counsel under this section, counsel shall be appointed at the defendant's first court appearance or when adversarial proceedings are initiated, whichever comes first.

Amendment No. 15

Representative Clark offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 by G. Lewis in added Article 1.051(j), Code of Criminal Procedure, by striking "counsel shall be appointed at" and substituting "appointment of counsel is not required until".

Amendment No. 15 was adopted without objection.

Amendment No. 14, as amended, was adopted without objection.

Amendment No. 16

Representative Goodman offered the following amendment to **CSSB 7**:
Amend **CSSB 7** as follows:

(1) In SECTION 2 of the bill, in amended Article 1.051(c), Code of Criminal Procedure (house committee report, page 2, line 4), strike "first" and substitute "second".

(2) In SECTION 2 of the bill, in added Article 1.051(i), Code of Criminal Procedure (house committee report, page 2, line 18), strike "one working day" and substitute "two working days".

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Goodman offered the following amendment to **CSSB 7**:

Amend **CSSB 7** as follows:

(1) In SECTION 10 of the bill, in added Section 51.101(a), Family Code (house committee report, page 24, lines 15-16), strike "judges trying juvenile cases" and substitute "juvenile board".

(2) In SECTION 10 of the bill, in added Section 51.101(b)(1)(B) (house committee report, page 25, line 7), strike "judges trying juvenile cases" and substitute "juvenile board".

Amendment No. 17 was adopted without objection.

CSSB 7, as amended, was passed to third reading. (Carter and Uher recorded voting no)

MAJOR STATE CALENDAR
(consideration continued)

CSSB 342 ON SECOND READING
(Alexander - House Sponsor)

CSSB 342, A bill to be entitled An Act relating to the participation of the Texas Department of Transportation in the acquisition, construction, maintenance, and operation of toll facilities.

Amendment No. 1

Representative Alexander offered the following amendment to **CSSB 342**:

Amend **CSSB 342** as follows:

(1) On page 1, line 21, at the end of proposed Section 222.103(b), Transportation Code, add "Money deposited as required by this Section is exempt from the application of Section 403.095, Government Code.".

(2) On page 5, line 8, at the end of proposed Section 361.191(b), Transportation Code, add "Money deposited as required by this Section is exempt from the application of Section 403.095, Government Code.".

(3) On page 5, line 19, at the end of Section 362.004(e), Transportation Code, add "Money deposited as required by this Section is exempt from the application of Section 403.095, Government Code.".

(4) On page 6, line 5, at the end of 362.004(f), Transportation Code, add "Money deposited as required by this Section is exempt from the application of Section 403.095, Government Code.".

(5) On page 7, line 10, at the end of proposed Section 366.301(c), Transportation Code, add "Money deposited as required by this Section is exempt from the application of Section 403.095, Government Code.".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Alexander offered the following amendment to **CSSB 342**:

Amend **CSSB 342** by striking SECTION 8 of the bill and substituting the following:

SECTION 8. Section 361.031(b)-(e), Section 361.031(g), Sections 361.032-361.037, 362.004, and 362.005, of the Transportation Code, are repealed.

Amendment No. 2 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 55).

CSSB 342 - (consideration continued)

Amendment No. 3

Representative Alexander offered the following amendment to **CSSB 342**:

Amend **CSSB 342** in SECTION 2 by striking proposed Section 361.003, Transportation Code (page 3, lines 12-27) and substituting the following:

"Sec. 361.003. REGIONAL TOLL AUTHORITY. (a) The commission may by order authorize the creation of a regional toll authority for the purposes of constructing, maintaining, or operating a turnpike project in a region of the state.

(b) The governing body of a regional toll authority shall consist of representatives of political subdivisions in the county or counties in which a project will be located, as determined by commission order. The governor shall appoint one member of the governing body who shall serve as the presiding officer.

(c) A regional toll authority shall have the powers, duties, and responsibilities of the department under this chapter, except for those powers, duties, and responsibilities provided by Section 361.031(d) and Sections 361.032-361.037, and subject to any restrictions and regulations of the commission.

(d) A regional toll authority may not construct, maintain, or operate a turnpike project in a county that, on November 6, 2001:

(1) was part of a regional tollway authority; or

(2) operated a project under Chapter 284.

(e) A regional toll authority:

(1) is a political subdivision of this state for purposes of Chapter 101, Civil Practice and Remedies Code;

(2) is subject to Chapter 552, Government Code;

(3) is a state governmental body for purposes of the Open Meetings Act, Chapter 551, Government Code;

(4) has the powers, duties, and responsibilities of a county under Subchapter C, Chapter 262, Local Government Code, except for Section 262.029 of that subchapter, and except for contracts subject to Section 361.231; and

(5) is a local government for purposes of Subchapters D and F, Chapter 271, Local Government Code.

(f) The commission may grant or loan funds for the construction, maintenance, or operation of a turnpike project under this section, in accordance with the provisions of this chapter or other law.

(g) The commission shall adopt rules to implement this section."

(h) Each year, if a regional toll authority determines that it has surplus revenue from turnpike projects, it shall reduce tolls, expend the revenue on other transportation projects in the region, or deposit the revenue in the Texas Mobility Fund. The commission shall by rule define the term "transportation project." For purposes of this subsection, "surplus revenue" means toll revenue that exceeds the regional toll authority's debt service requirements, coverage requirements of any bond indenture, and costs necessary to operate and maintain turnpike projects of the regional toll authority. To the extent this subsection conflicts with Section 361.189, this subsection prevails.

Amendment No. 3 was adopted without objection.

CSSB 342 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KRUSEE: Mr. Alexander, I support your bill wholeheartedly, I just have a couple of clarifying questions. Of course you're aware of the toll projects we've been working on here in Central Texas, SH 130, SH 45, Loop 1 and 183A. You're aware of their economic importance, not only to Central Texas but to the entire state. I just want to make sure, is there anything in this legislation that would set back or delay the development of those toll projects I just named?

REPRESENTATIVE ALEXANDER: Absolutely not.

KRUSEE: Are there any assurances that you can give us that those toll projects will be built in a timely manner?

ALEXANDER: I've personally spoken to the Transportation Commission and they assured me that the Central Texas Turnpike will proceed on its current path to completion. And for the record, the construction has already started on State Highway 45 frontage roads. TXDOT has extended a substantial line of credit to the Turnpike Authority, and it's already been spent. The Federal Highway Administration has signed off on the environmental clearances of the four projects, the US Department of Transportation has agreed to lend the department \$800 million to get the project moving, and thanks to the good graces of the Appropriations Committee, the funding stream from TXDOT to the projects was kept open so progress could move ahead. And that's about the most significant vote of confidence there is.

KRUSEE: And speaking of that 800 million dollar federal loan, is there anything in this legislation that would affect that loan for this project?

ALEXANDER: No, the Federal Highway Administration isn't concerned with the organizational changes set forth in the legislation affecting the 800 million dollar loan.

REMARKS ORDERED PRINTED

Representative Krusee moved to print remarks by Representative Krusee and Representative Alexander.

The motion prevailed without objection.

CSSB 342, as amended, was passed to third reading.

CONSTITUTIONAL AMENDMENTS CALENDAR SENATE JOINT RESOLUTIONS SECOND READING

The following resolution was laid before the house and read second time:

CSSJR 16 ON SECOND READING (Brimer, G. Lewis, and Alexander - House Sponsors)

CSSJR 16, A joint resolution proposing a constitutional amendment creating the Texas Mobility Fund and authorizing grants and loans of money and issuance of obligations for financing the construction, reconstruction, acquisition, operation, and expansion of state highways, turnpikes, toll roads, toll bridges, and other mobility projects.

A record vote was requested.

CSSJR 16 was adopted by (Record 446): 144 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Nays — Danburg; Uher.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Hilbert; Rangel.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Dunnam on motion of Tillery.

Wise on motion of Tillery

**.GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 272 ON THIRD READING
(Thompson - House Sponsor)**

SB 272, A bill to be entitled An Act relating to interest charges and other costs of certain loans.

A record vote was requested.

SB 272 was passed by (Record 447): 83 Yeas, 47 Nays, 3 Present, not voting.

Yeas — Alexander; Averitt; Bonnen; Brimer; Brown, B.; Brown, F.; Capelo; Carter; Chavez; Christian; Clark; Cook; Counts; Craddick; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Eiland; Elkins; Farabee; Farrar; Flores; Gallego; George; Goodman; Goolsby; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hochberg; Homer; Hopson; Hunter; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; Maxey; McCall; McReynolds; Merritt; Miller; Moreno, J.; Naishtat; Nixon; Oliveira; Puente; Reyna, E.; Seaman; Shields; Smith; Solis; Solomons; Talton; Thompson; Truitt; Turner, S.; Uresti; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Allen; Bailey; Berman; Bosse; Callegari; Chisum; Corte; Crabb; Danburg; Davis, Y.; Dukes; Dutton; Ellis; Giddings; Glaze; Gray; Hardcastle; Heflin; Hilderbran; Hill; Hodge; Hope; Howard; Jones, J.; Kitchen; Longoria; Martinez Fischer; McClendon; Menendez; Moreno, P.; Morrison; Mowery; Najera; Noriega; Olivo; Pitts; Ramsay; Ritter; Salinas; Smithee; Swinford; Tillery; Turner, B.; Uher; Villarreal; Walker; West.

Present, not voting — Mr. Speaker; Burnam; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Coleman; Edwards; Ehrhardt; Garcia; Geren; Hinojosa; Jones, D.; Junell; Luna; Pickett; Raymond; Reyna, A.; Telford.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 447. I intended to vote no.

Delisi

I was shown voting yes on Record No. 447. I intended to vote no.

Janek

I was shown voting yes on Record No. 447. I intended to vote no.

Shields

I was shown voting yes on Record No. 447. I intended to vote no.

S. Turner

I was shown voting yes on Record No. 447. I intended to vote no.

Wilson

I was shown voting yes on Record No. 447. I intended to vote no.

Wohlgemuth

RULES SUSPENDED TO ADD BILLS TO LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

On motion of Representative Y. Davis and by unanimous consent, **SB 651, SB 904, SB 986, SB 1207, SB 1213, and SB 1810** were added to the local, consent, and resolutions calendar for 10 a.m. Thursday, May 17.

SB 507 ON THIRD READING (Dutton - House Sponsor)

SB 507, A bill to be entitled An Act relating to residential subdivisions that require membership in a property owners' association.

SB 507 was passed.

SB 940 ON THIRD READING (Rangel - House Sponsor)

SB 940, A bill to be entitled An Act relating to the establishment of the Joint Admission Medical Program to assist certain economically disadvantaged students in preparing for and succeeding in medical school.

A record vote was requested.

SB 940 was passed by (Record 448): 121 Yeas, 15 Nays, 3 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Capelo; Carter; Chavez; Chisum; Christian; Cook; Corte; Counts; Craddick; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Keel; Keffer; King, P.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbraneck.

Nays — Callegari; Clark; Crabb; Crownover; Denny; Hardcastle; Hartnett; Heflin; Hope; Jones, E.; Madden; Miller; Reyna, E.; Talton; Woolley.

Present, not voting — Mr. Speaker; Allen; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Burnam; Coleman; Ehrhardt; Junell; King, T.; Krusee; Mowery.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 448. I intended to vote no.

Bonnen

I was shown voting no on Record No. 448. I intended to vote yes.

E. Jones

I was shown voting yes on Record No. 448. I intended to vote no.

Truitt

I was shown voting yes on Record No. 448. I intended to vote no.

Wohlgemuth

SB 1475 ON THIRD READING (Goodman - House Sponsor)

SB 1475, A bill to be entitled An Act relating to the abolition of the Children's Trust Fund of Texas Council and to the transfer of its powers and duties to the Department of Protective and Regulatory Services.

SB 1475 was passed.

SB 158 ON THIRD READING (Olivo - House Sponsor)

SB 158, A bill to be entitled An Act relating to counseling public school students regarding higher education.

A record vote was requested.

SB 158 was passed by (Record 449): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon;

McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Coleman; Ehrhardt; Hardcastle; Jones, E.; Reyna, A.

SB 177 ON THIRD READING

(Naishtat - House Sponsor)

SB 177, A bill to be entitled An Act relating to electronic monitoring devices in the rooms of residents of convalescent or nursing homes or related institutions; providing a criminal penalty.

A record vote was requested.

SB 177 was passed by (Record 450): 139 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker; Sadler(C); Salinas.

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Goodman; Grusendorf; Hinojosa; Krusee.

SB 1671 ON THIRD READING

(J. Davis and Kitchen - House Sponsors)

SB 1671, A bill to be entitled An Act relating to the issuance of bonds by school districts for the purchase of school buses.

A record vote was requested.

SB 1671 was passed by (Record 451): 138 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Raymond; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Nay — Miller.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Goodman; Krusee; Pitts; Reyna, A.; West.

SB 82 ON THIRD READING **(Menendez and Green - House Sponsors)**

SB 82, A bill to be entitled An Act relating to courses offered by a public junior college for joint high school and junior college credit.

A record vote was requested.

SB 82 was passed by (Record 452): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.;

Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

SB 962 ON THIRD READING
(G. Lewis - House Sponsor)

SB 962, A bill to be entitled An Act relating to a pilot project to address the need for more child protective services workers in certain regions of the state.

SB 962 was passed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 1262 ON THIRD READING
(Talton and Berman - House Sponsors)

SB 1262, A bill to be entitled An Act relating to the authority of an officer to return stolen property to its owner.

SB 1262 was passed.

SB 108 ON THIRD READING
(Dutton and McClendon - House Sponsors)

SB 108, A bill to be entitled An Act relating to the first day of instruction of a school year for public school students.

Amendment No. 1

Representative Smith offered the following amendment to **SB 108**:

Amend **SB 108** and third reading as follows:

(1) In SECTION 1 of the bill, in added Subsection (a), Section 25.0811, Education Code, after the period, insert "For purposes of this subsection, Sunday is considered the first day of the week.".

(2) In SECTION 1 of the bill, strike added Subsection (b), Section 25.0811, Education Code, and substitute the following:

(b) If a school district intends to apply under Section 7.056 for a waiver of the prohibition prescribed by Subsection (a), the district must:

(1) at least 60 days before the date the district submits the application for the waiver, publish notice in a newspaper having general circulation in the district;

(A) stating that the district intends to apply for a waiver of the prohibition concerning the date of the first day of instruction for students; and

(B) specifying the date in which the district intends to begin instruction for students; and

(2) hold a public hearing concerning the date of the first day of instruction for students.

(c) The application for a waiver of the prohibition prescribed by Subsection (a) must include a summary of the opinions expressed at the public hearing held under Subsection (b)(2), including any consensus of opinion expressed concerning the date of the first day of instruction for students.

Amendment No. 1 was adopted without objection.

SB 108, as amended, was passed. (Averitt, Carter, Ellis, Heflin, Hope, Hopson, E. Jones, Morrison, and B. Turner recorded voting no)

SB 850 ON THIRD READING
(Tillery - House Sponsor)

SB 850, A bill to be entitled An Act relating to benefits for certain disabled peace officers.

SB 850 was passed.

SB 113 ON THIRD READING
(Goolsby - House Sponsor)

SB 113, A bill to be entitled An Act relating to vehicle passenger safety systems; providing criminal penalties.

SB 113 was passed.

SB 772 ON THIRD READING
(Naishtat - House Sponsor)

SB 772, A bill to be entitled An Act relating to requiring the Texas Department of Human Services to establish criteria for designating nursing facility operators with excellent operating records as eligible to acquire a license to operate another existing nursing facility on an expedited basis.

SB 772 was passed.

SB 115 ON THIRD READING
(Hawley, B. Turner, Ramsay, Homer, et al. - House Sponsors)

SB 115, A bill to be entitled An Act relating to creating a foundation to finance health programs in the rural areas of the state.

SB 115 was passed.

SB 768 ON THIRD READING
(Hopson - House Sponsor)

SB 768, A bill to be entitled An Act relating to the regulation of the practice of pharmacy and the dispensing of certain drugs.

SB 768 was passed.

SB 1561 ON THIRD READING
(Haggerty - House Sponsor)

SB 1561, A bill to be entitled An Act relating to the acceptance by the Texas Natural Resource Conservation Commission of certain emissions reductions in exchange for other emissions reductions.

SB 1561 was passed.

SB 215 ON THIRD READING**(Keel, Hinojosa, and Goolsby - House Sponsors)**

SB 215, A bill to be entitled An Act relating to the punishment for the offense of evading arrest or detention.

SB 215 was passed.

SB 596 ON THIRD READING**(Giddings - House Sponsor)**

SB 596, A bill to be entitled An Act relating to prekindergarten programs for public school students.

A record vote was requested.

SB 596 was passed by (Record 453): 141 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Coleman; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Homer; Janek.

SB 218 ON THIRD READING**(Smith - House Sponsor)**

SB 218, A bill to be entitled An Act relating to a financial accountability rating system for school districts.

SB 218 was passed.

SB 591 ON THIRD READING**(Naishtat - House Sponsor)**

SB 591, A bill to be entitled An Act relating to the execution of certain writs in an action to determine possession of certain leased premises.

A record vote was requested.

SB 591 was passed by (Record 454): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Brown, F.; Flores; Green; Howard; Junell; Maxey; Moreno, P.; Turner, B.

STATEMENT OF VOTE

When Record No. 454 was taken, I was in the house but away from my desk. I would have voted yes.

F. Brown

SB 354 ON THIRD READING (Coleman - House Sponsor)

SB 354, A bill to be entitled An Act relating to the powers of a local government corporation.

A record vote was requested.

SB 354 was passed by (Record 455): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst;

Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Flores; Goodman; Goolsby; Hartnett; Isett; Junell; Krusee; Moreno, P.

STATEMENT OF VOTE

When Record No. 455 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

SB 588 ON THIRD READING (Coleman - House Sponsor)

SB 588, A bill to be entitled An Act relating to the functions of a municipal or county cultural education facilities finance corporation.

A record vote was requested.

SB 588 was passed by (Record 456): 125 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Bonnen; Bosse; Brimer; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pitts; Puente; Ramsay; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Smith; Smithee; Solis; Talton; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Berman; Brown, B.; Callegari; Crabb; Crownover; Denny; Heflin; Howard; Hupp; Miller; Shields; Solomons; Truitt; Williams.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Hinojosa; Krusee; Pickett; Raymond; Swinford.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 456. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 456. I intended to vote no.

Isett

I was shown voting no on Record No. 456. I intended to vote yes.

Truitt

SB 355 ON THIRD READING

(Naishtat, Ehrhardt, Wohlgemuth, Noriega, and J. Davis - House Sponsors)

SB 355, A bill to be entitled An Act relating to a nursing home resident's right to informed consent regarding the prescription of certain drugs.

A record vote was requested.

SB 355 was passed by (Record 457): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Pickett; Pitts; Ramsay; Raymond; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Crownover; Oliveira; Puente; Reyna, A.

SB 584 ON THIRD READING

(Yarbrough - House Sponsor)

SB 584, A bill to be entitled An Act relating to the frequency with which a person may take an examination administered by the Texas Board of Professional Land Surveying.

A record vote was requested.

SB 584 was passed by (Record 458): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent — Burnam; Coleman; Flores; King, P.; Telford.

SB 535 ON THIRD READING

(J. Jones, Chavez, Hunter, Hodge, Ehrhardt, et al. - House Sponsors)

SB 535, A bill to be entitled An Act relating to the continuation and functions of the Texas Department on Aging.

SB 535 was passed.

SB 429 ON THIRD READING

(Solis - House Sponsor)

SB 429, A bill to be entitled An Act relating to the funding and administration of certain activities of the Council on Workforce and Economic Competitiveness.

SB 429 was passed.

GENERAL STATE CALENDAR

SENATE BILLS

SECOND READING

The following bills were laid before the house and read second time:

SB 466 ON SECOND READING

(Eiland - House Sponsor)

SB 466, A bill to be entitled An Act relating to a specialty insurance agent license for persons who sell certain telecommunications equipment.

SB 466 was passed to third reading.

CSSB 1783 ON SECOND READING
(Wolens, Counts, and Hawley - House Sponsors)

CSSB 1783, A bill to be entitled An Act relating to enhanced availability of advanced telecommunications service.

Representative Wolens moved to postpone consideration of **CSSB 1783** until 3:45 p.m. today.

The motion prevailed without objection.

SB 328 ON SECOND READING
(Haggerty - House Sponsor)

SB 328, A bill to be entitled An Act relating to the statute of limitations for purposes of prosecuting certain offenses involving injury to a child, elderly individual, or disabled individual.

SB 328 was passed to third reading. (Williams recorded voting yes)

CSSB 1205 ON SECOND READING
(Hamric - House Sponsor)

CSSB 1205, A bill to be entitled An Act relating to the exemption of certain business enterprises and courses of instruction from proprietary school certification.

CSSB 1205 was passed to third reading.

SB 563 ON SECOND READING
(Hinojosa - House Sponsor)

SB 563, A bill to be entitled An Act relating to the protection of the interest of certain innocent property owners in a criminal asset forfeiture proceeding.

Amendment No. 1

Representative Hinojosa offered the following amendment to **SB 563**:

Amend **SB 563** by striking SECTION 2 of the bill and substituting the following:

SECTION 2. Article 59.03, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A person in the possession of property at the time a peace officer seizes the property under this chapter may at the time of seizure assert the person's interest in or right to the property. A peace officer who seizes property under this chapter may not at the time of seizure request, require, or in any manner induce any person, including a person who asserts an interest in or right to the property seized, to execute a document purporting to waive the person's interest in or rights to the property.

SECTION 3. Article 59.06(g), Code of Criminal Procedure, is amended to read as follows:

(g)(1) All law enforcement agencies and attorneys representing the state who receive proceeds or property under this chapter shall account for the seizure, forfeiture, receipt, and specific expenditure of all such proceeds and

property in an audit, which is to be performed annually by the commissioners court or governing body of a municipality, as appropriate. The annual period of the audit for a law enforcement agency is the fiscal year of the appropriate county or municipality and the annual period for an attorney representing the state is the state fiscal year. The audit shall be completed on a form provided by the attorney general. Certified copies of the audit shall be delivered by the law enforcement agency or attorney representing the state to the comptroller's office and the attorney general not later than the 30th day after the date on which the annual period that is the subject of the audit ends.

(2) If a copy of the audit is not delivered to the attorney general within the period required by Subdivision (1), within five days after the end of the period the attorney general shall notify the law enforcement agency or the attorney representing the state of that fact. On a showing of good cause, the attorney general may grant an extension permitting the agency or attorney to deliver a copy of the audit after the period required by Subdivision (1) and before the 46th day after the date on which the annual period that is the subject of the audit ends. If the law enforcement agency or the attorney representing the state fails to establish good cause for not delivering the copy of the audit within the period required by Subdivision (1) or fails to deliver a copy of an audit within the extension period, the attorney general shall notify the comptroller of public accounts of that fact. On notice under this subdivision, the comptroller shall perform the audit otherwise required by Subdivision (1). At the conclusion of the audit, the comptroller shall forward a copy of the audit to the attorney general. The law enforcement agency or attorney representing the state is liable to the comptroller for the costs of the comptroller in performing the audit.

SECTION 4. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on asset forfeiture under Chapter 59, Code of Criminal Procedure. The program must include an examination of the best practices for educating peace officers about asset forfeiture and monitoring peace officers' compliance with laws relating to asset forfeiture.

SECTION 5. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 6. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on asset forfeiture established by the commission under Section 1701.253(e).

SECTION 7. The change in law made by this Act to Article 59.03, Code of Criminal Procedure, applies only to a seizure of property that occurs on or after the effective date of this Act. For a seizure that occurs before the effective date of this Act, the law in effect when the seizure occurred covers the proceeding, and the former law is continued in effect for that purpose.

SECTION 8. Article 59.06(g), Code of Criminal Procedure, as amended by this Act, applies to the first audit required to be performed by a commissioners court or governing body on or after the effective date of this Act.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on asset forfeiture as required by Section 1701.253(e), Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on asset forfeiture as required by Section 96.641(j), Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on asset forfeiture established under Section 1701.253(e), Occupations Code, as added by this Act, not later than September 1, 2002.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on asset forfeiture established under Section 96.641(j), Education Code, as added by this Act, not later than September 1, 2002.

SECTION 12. Article 59.02(h), Code of Criminal Procedure, as added by this Act, applies to all property subject to Chapter 59, Code of Criminal Procedure, for which a final judgment has not been entered before the effective date of this Act.

SECTION 13. This Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

SB 563, as amended, was passed to third reading.

SB 935 ON SECOND READING
(Pitts - House Sponsor)

SB 935, A bill to be entitled An Act relating to engaging in the business of making, negotiating, or transacting certain consumer loans on a financial institution's behalf.

SB 935 was passed to third reading.

SB 437 ON SECOND READING
(Allen - House Sponsor)

SB 437, A bill to be entitled An Act relating to the offense of theft of service.

Amendment No. 1

Representative Puente offered the following amendment to **SB 437**:

Amend **SB 437** (house committee printing) by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION ____ Section 31.04, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) It is a defense to prosecution under this section that:

(1) the defendant secured the performance of the service by giving a post-dated check or similar sight order to the person performing the service; and

(2) the person performing the service or any other person presented the check or sight order for payment before the date on the check or sight order.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Williams offered the following amendment to **SB 437**:

Amend **SB 437** (house committee printing) as follows:

SECTION ____ Section 32.32(c), Penal Code, is amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor if the value of the property or the amount of credit is less than \$50;

(2) a Class B misdemeanor if the value of the property or the amount of credit is \$50 or more but less than \$500;

(3) a Class A misdemeanor if the value of the property or the amount of credit is \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the property or the amount of credit is \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of the property or the amount of credit is \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the property or the amount of credit is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property or the amount of credit is \$200,000 or more.

Amendment No. 2 was adopted without objection.

SB 437, as amended, was passed to third reading.

SB 377 ON SECOND READING
(Madden - House Sponsor)

SB 377, A bill to be entitled An Act relating to a local option election for the sale of beer and wine in certain cities or towns located in more than one county.

SB 377 failed to pass to third reading.

CSSB 697 ON SECOND READING
(Haggerty - House Sponsor)

CSSB 697, A bill to be entitled An Act relating to the regulation of the practice of professional engineering.

Amendment No. 1

On behalf of Representative Goodman, Representative Haggerty offered the following amendment to **CSSB 697**:

Amend **CSSB 697**, house committee printing, in SECTION 4 of the bill, in added Subparagraph (i), Paragraph (C), Subdivision (1), Subsection (h), Section 20, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), (page 4, line 2), by striking "14 or 47, Code of Federal Regulations;" and substituting "14, 47, or 48, Code of Federal Regulations;".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Brimer offered the following amendment to **CSSB 697**:

Amend **CSSB 697** as follows:

(1) In SECTION 4 of the bill, in the introductory language, between "by" and "adding" (House Committee Printing page 3, between lines 11 and 12), insert "amending Subsection (a) and".

(2) In SECTION 4 of the bill, between the introductory language and added Subsection (h), Section 20, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes) (House Committee Printing page 3, between lines 12 and 13), insert the following:

(a) The following persons shall be exempt from the licensure provisions of this Act, provided that such persons are not directly or indirectly represented or held out to the public to be legally qualified to engage in the practice of engineering:

(1) an employee or a subordinate of a person holding a license under this Act; provided, his practice does not include responsible charge of design or supervision;

(2) officers and employees of the Government of the United States while engaged within this state in the practice of the profession of engineering for said Government;

(3) a person doing the actual work of installing, operating, repairing, or servicing locomotive or stationary engines, steam boilers, Diesel engines, internal combustion engines, refrigeration compressors and systems, hoisting engines, electrical engines, air conditioning equipment and systems, or mechanical and electrical, electronic or communications equipment and apparatus; this Act may not be construed to prevent any citizen from identifying himself in the name and trade of any engineers' labor organization with which he may be affiliated, however, this exemption may not be construed to permit any person other than a licensed professional engineer to affix his signature to engineering plans, or specifications and may not be construed to permit a person to use the term "engineer" or "engineering" in any manner prohibited by this Act;

(4) a person, sole proprietorship, firm, partnership, joint stock association or private corporation, erecting, constructing, enlarging, altering or repairing, or drawing plans and specifications for: any private dwelling, or apartments not exceeding eight units per building for one story buildings, or apartments not exceeding four units per building and having a maximum height of two stories, or garages or other structures pertinent to such buildings; or private buildings which are to be used exclusively for farm, ranch or agricultural purposes, or used exclusively for storage of raw agricultural commodities; or other buildings, except public buildings included under Section 19 of this Act, having no more than one story and containing no clear span between supporting structures greater than 24 feet on the narrow side and having a total floor area not in excess of five thousand square feet; provided that on unsupported spans greater than 24 feet on such buildings only the trusses, beams, or other roof supporting members need to be engineered or pre-engineered; provided that no representation is made or implied that engineering services have been or will be offered to the public;

(5) any regular full time employee of a private corporation or other private business entity who is engaged solely and exclusively in performing services for such corporation and/or its affiliates; provided, such employee's services are on, or in connection with, property owned or leased by such private corporation and/or its affiliates or other private business entity, or in which such private corporation and/or its affiliates or other business entity has an interest, estate or possessory right, or whose services affect exclusively the property, products, or interests of such private corporation and/or its affiliates or other private business entity; and, provided further, that such employee does not have the final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications pertaining to such property or products which are to be incorporated into fixed works, systems, or facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public;

(6) any regular full time employee of a privately owned public utility or cooperative utility and/or affiliates who is engaged solely and exclusively in performing services for such utility and/or its affiliates; provided, that such employee does not have the final authority for the approval of, and the ultimate responsibility for engineering designs, plans or specifications to be incorporated into fixed works, systems, or facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public; [or]

(7) qualified scientists engaged in scientific research and investigation of the physical or natural sciences, including the usual work and activities of meteorologists, seismologists, geologists, chemists, geochemists, physicists or geophysicists; or

(8) qualified scientists engaged in the polymeric sciences.

Amendment No. 2 failed of adoption.

Amendment No. 3

Representative Eiland offered the following amendment to **CSSB 697**:

Amend **CSSB 697**, Page 3, line 14, by adding a new Section 4 and renumbering the subsequent sections as follows:

Section 3: Section 20. EXEMPTIONS (a) The following persons shall be exempt from the licensure provisions of this Act, however, the Board may require those practicing engineering in Texas who are exempt and not licensed to register and pay a fee not to exceed \$25, provided that such persons are not directly or indirectly represented or held out to the public to be legally qualified to engage in the practice of engineering:

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Callegari offered the following amendment to **CSSB 697**:

Amend **CSSB 697**, house committee printing, as follows:

(1) Insert a new SECTION 1 of the bill (page 1, between lines 4 and 5), to read as follows:

SECTION 1. Subdivision (4), Section 2, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes) is amended to read as follows:

(4) "Practice of engineering," or "practice of professional engineering" shall mean any service or creative work, either public or private, the adequate performance of which requires engineering education, training and experience in the application of special knowledge or judgment of the mathematical, physical, or engineering sciences to such services or creative work.

To the extent the following services or types of creative work meet this definition, the term includes consultation, investigation, evaluation, analysis, planning, engineering for program management, providing an expert engineering opinion or testimony, engineering for testing or evaluating materials for construction and other engineering uses, performing technical research on projects fully or partially underwritten by a non-public entity, and mapping; design, conceptual design, or conceptual design coordination of engineering works and systems; development or optimization of plans and specifications for engineering works and systems; planning the use or alteration of land and water or the design or analysis of works or systems for the use or alteration of land and water; teaching advanced engineering subjects; performing engineering surveys and studies; engineering for construction, alteration, or repair of real property; engineering for preparation of operating and maintenance manuals; and engineering for review of the construction or installation of engineered works to monitor compliance with drawings and specifications.

The activities included in the practice of engineering include services, designs, analyses, or other work performed for a public or private entity in connection with utilities, structures, buildings, machines, equipment, processes, systems, works, projects, and industrial or consumer products or equipment of a mechanical, electrical, electronic, chemical, hydraulic, pneumatic,

geotechnical, or thermal nature and include other professional services necessary for the planning, progress, and completion of any engineering service.

In this subdivision:

(A) "Design coordination" includes the review and coordination of technical submissions prepared by others, including the work of other professionals working with or under the direction of an engineer with due professional regard for the abilities of all professional parties involved in a multi disciplinary effort.

(B) "Engineering surveys" includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of an engineered project, but does not include the surveying of real property and other activities regulated under the Professional Land Surveying Practices Act (Article 5282c, Vernon's Texas Civil Statutes).

(2) Renumber the subsequent SECTIONS of the bill appropriately.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Nixon offered the following amendment to **CSSB 697**:

Amend **CSSB 697** as follows:

(1) In SECTION 2 of the bill, strike added Subsection (f), Section 13, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes) (House Committee Printing page 2, lines 24-26), and substitute the following:

(f) A sole proprietorship is exempt from the registration fee assessed under Subsection (b) of this section for an engineering firm.

(2) Strike SECTION 6 of the bill (House Committee Printing page 4, line 14) and substitute the following:

SECTION 6. (a) This Act takes effect September 1, 2001, except that Subsection (f), Section 13, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, that subsection takes effect September 1, 2001.

(b) The change in law made by Subsection (f), Section 13, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), as added by this Act, does not affect liability for a fee accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of the fee due and for any enforcement of the liability for that fee.

Representative Haggerty moved to table Amendment No. 5.

The motion to table prevailed.

CSSB 697, as amended, was passed to third reading.

SB 133 ON SECOND READING **(Hinojosa - House Sponsor)**

SB 133, A bill to be entitled An Act relating to the admissibility in a criminal trial of race or ethnicity as a predictor of future criminal behavior.

SB 133 was passed to third reading.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSSB 1783 ON SECOND READING
(Wolens, Counts, and Hawley - House Sponsors)

CSSB 1783, A bill to be entitled An Act relating to enhanced availability of advanced telecommunications service.

CSSB 1783 was read second time earlier today and was postponed until this time.

(Speaker in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSSB 1783 - (consideration continued)

Amendment No. 1

Representative Wolens offered the following amendment to **CSSB 1783**:

Amend **CSSB 1783** in Section 59.083(c), Utilities Code, as added by SECTION 12 of the bill (House Committee Printing, page 22, line 6), by striking "The rate cap provision of Section 58.054" and substituting "The rate cap provisions of Sections 58.054 and 58.302".

Amendment No. 1 was adopted without objection.

(Sadler in the chair)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Redistricting, upon final recess today, speakers committee room, to consider **SJR 35**.

CSSB 1783 - (consideration continued)

Amendment No. 2

Representative Isett offered the following amendment to **CSSB 1783**:

Amend **CSSB 1783** by inserting the following new SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION __. (a) Section 151.007, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) The sales price of telecommunications services does not include the telecommunications infrastructure fund assessment imposed under Subchapter C, Chapter 57, Utilities Code, if the assessment is passed through to the purchaser of the service.

(b) This section takes effect September 1, 2003.

(c) The change in law made by this section does not affect taxes imposed

before the effective date of this section, and the law in effect before that date is continued in effect for purposes of the liability for and collection of those taxes.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Zbranek offered the following amendment to **CSSB 1783**:

Amend **CSSB 1783**, House Committee Report, between SECTIONS 12 and 13 of the bill (page 22, between lines 17 and 18), by inserting the following new SECTION and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION 13. Section 8.053, Education Code, is amended to read as follows:

Sec. 8.053. **ADDITIONAL SERVICES.** (a) In addition to the services provided under Section 8.051 and the initiatives implemented under Section 8.052, a regional education service center may:

(1) offer any service requested and purchased by any school district or campus in the state; and

(2) contract with a public or private entity for services under this subchapter, including the provision of continuing education courses and programs for educators.

(b) A regional education service center that provides home Internet service to public school students, teachers, or other school personnel shall adopt:

(1) appropriate methods to verify that each subscriber to the Internet service is a public school student, a public school teacher, or another public school employee; and

(2) rules to ensure that the Internet service provides a mechanism to block or filter Internet access to websites containing obscene materials.

(c) A regional education service center that provides home Internet service to public school students, teachers, or other school personnel and that fails to comply with Subsection (b) is not eligible for a grant or loan under Subchapter C, Chapter 57, Utilities Code.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Thompson offered the following amendment to **CSSB 1783**:

Amend **CSSB 1783** by adding a new Section___ to read as follows and renumbering the subsequent sections appropriately:

SECTION ___. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.56 to read as follows:

Sec. 35.56. **ADVERTISEMENT OF PRICE INFORMATION FOR SATELLITE SERVICE OR EQUIPMENT OR WIRELESS TELEPHONE SERVICE OR EQUIPMENT.**

(a) This section applies to a person who offers to sell or provide to another person in this state:

(1) wireless telephone service, or Internet access service provided by use of a wireless telephone; or

(2) a wireless telephone.

(b) A person described by Subsection (a) may not display or publish, or cause to be displayed or published, a written advertisement that contains pricing information regarding the service and equipment unless the information is printed in at least eight-point type.

(c) A person who violates this section is liable to the state for a civil penalty in an amount not to exceed \$1,000 for each violation and for each day of a continuing violation. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring suit to recover the civil penalty imposed under this section.

(d) The attorney general may bring an action in the name of the state to restrain or enjoin a person from violating this section.

Representative Corte raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The point of order was withdrawn.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative S. Turner offered the following amendment to **CSSB 1783**:

Amend **CSSB 1783** as follows:

On page 12, line 3, delete "exclusion" and substitute with "inclusion".

Representative Wolens moved to table Amendment No. 5.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Junell on motion of R. Lewis.

Gallego on motion of R. Lewis.

West on motion of R. Lewis.

Heflin on motion of R. Lewis.

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

Coleman on motion of R. Lewis.

CSSB 1783 - (consideration continued)

A record vote was requested.

The motion to table prevailed by (Record 459): 103 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Denny; Driver; Dukes; Ehrhardt; Eiland; Farabee; Farrar; George; Geren; Glaze;

Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Marchant; Martinez Fischer; McCall; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Najera; Nixon; Noriega; Oliveira; Pitts; Ramsay; Reyna, A.; Reyna, E.; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Truitt; Turner, B.; Uher; Uresti; Walker; Williams; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Bosse; Chavez; Cook; Davis, Y.; Deshotel; Dutton; Edwards; Elkins; Ellis; Garcia; Giddings; Hochberg; Hodge; Jones, D.; Jones, J.; Kitchen; Lewis, G.; Luna; McClendon; McReynolds; Naishtat; Pickett; Puente; Ritter; Thompson; Tillery; Turner, S.; Villarreal; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Bailey; Flores; Hinojosa; Longoria; Maxey; Olivo; Raymond; Sadler.

Amendment No. 6

Representative S. Turner offered the following amendment to **CSSB 1783**:

Amend **CSSB 1783** by inserting a new appropriately numbered SECTION to the bill to read as follows and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 57, Utilities Code, is amended by adding Section 57.0465 to read as follows:

Sec. 57.0465. LIMITATION ON USE OF MONEY. (a) Notwithstanding any other provision of this subtitle, including Section 55.405, the board may not award a grant or loan under this subchapter to a project that would not have been eligible to receive a grant or loan under this subchapter as it existed on September 1, 1997, unless the board determines that:

(1) the board's master plan has been fully implemented and all state and local needs identified in the plan have been met; and

(2) the original purposes of the fund have been achieved.

(b) Subsection (a) does not apply to a project, such as a telemedicine project, that is categorically related to a project that would have been eligible for a grant or loan on September 1, 1997, regardless of whether the particular project becomes eligible after September 1, 1997.

(Speaker in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

CSSB 1783 - (consideration continued)

Representative Wolens moved to table Amendment No. 6.

The motion to table prevailed.

Amendment No. 7

Representative Dutton offered the following amendment to **CSSB 1783**:

Amend **CSSB 1783** as follows:

(1) In Subchapter L, Chapter 55, Utilities Code, as added by SECTION 2 of the bill (House Committee Printing, page 7, between lines 23 and 24), insert a new Section 55.4055 to read as follows:

Sec. 55.4055. SUPPORT FOR ADVANCED SERVICES IN CERTAIN COMMUNITIES. (a) This section applies only to a program sponsored by the Texas Education Agency, a local school district, or a local business, civic, or adult education organization that promotes the receipt and use of advanced services by residents of:

(1) federally designated urban enterprise communities;

(2) urban enhanced enterprise communities; or

(3) economically distressed areas (colonias) located within 100 kilometers (62 miles) of an international border.

(b) Notwithstanding any other provision of this subchapter, an entity sponsoring a program described by Subsection (a) may attempt to obtain funding from a grant or loan from the telecommunications infrastructure fund under Subchapter C, Chapter 57, to:

(1) directly provide an advanced service to residents of the areas described by Subsection (a); or

(2) enter into a business arrangement for residents of that area to receive an advanced service from a cable company, fixed wireless company, satellite company, electric cooperative corporation, holder of a certificate of operating authority, service provider certificate of operating authority, or certificate of convenience and necessity or other provider of an advanced service.

(2) In Section 57.046(b)(9), Utilities Code, as added by SECTION 4 of the bill (House Committee Printing, page 12, line 5), strike "; and" and substitute "₁".

(3) In Section 57.046(b)(10), Utilities Code, as added by SECTION 4 of the bill (House Committee Printing, page 12, line 7), strike the period and substitute the following:
; and

(11) an advanced service for a program described by Section 55.4055.

(4) In Section 57.047(a), Utilities Code, as amended by SECTION 5 of the bill (House Committee Printing, page 12, lines 18-21), strike added Paragraphs (D) and (E) and substitute the following:

(D) community technology centers;

(E) electronic textbooks, Internet-based educational materials, and related training for parents and teachers;

(F) programs to promote the use of advanced services by residents of certain enterprise communities or economically distressed areas (colonias); or

(G) an advanced service for a community or sponsoring municipality or county that will use the grant for a purpose prescribed by Section 55.405(a);

(5) Strike Section 57.047(b), Utilities Code, as amended by SECTION 5 of the bill (House Committee Printing, page 13, lines 6-11), and substitute the following:

(b) The board may award a loan to a project or proposal to acquire equipment needed for distance learning, the use of electronic textbooks, Internet-based educational materials, and related training for parents and teachers, [and] telemedicine, or community technology center projects. The board may award a loan to a project or proposal that promotes the receipt and use of advanced services by residents of certain enterprise communities or economically distressed areas (colonias). The board may award a loan to a project or proposal submitted by a community or sponsoring municipality or county to acquire equipment needed for an advanced service project under Section 55.405(a).

(6) In Section 57.047(c)(8)(B), Utilities Code, as amended by SECTION 5 of the bill (House Committee Printing, page 14, line 5), strike ";or" and substitute ";.".

(7) In Section 57.047(c)(9), Utilities Code, as added by SECTION 5 of the bill (House Committee Printing, page 14, line 7), strike the period and substitute the following:

;or

(10) will promote the receipt and use of advanced services by residents of certain enterprise communities or economically distressed areas (colonias).

(8) Insert the following appropriately numbered SECTION to the bill to read as follows and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 57.045(b), Utilities Code, is amended to read as follows:

(b) The board shall prepare an annual report that:

(1) details the revenues deposited to the credit of the fund, including each account; [and]

(2) summarizes the grants and loans made from each account; and

(3) summarizes the amount of grants and loans made to areas described by Section 55.4055(a).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 6).

CSSB 1783 - (consideration continued)

Representative Wolens moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 460): 97 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chisum; Christian; Clark; Corte; Counts;

Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Denny; Driver; Ehrhardt; Eiland; Elkins; Farabee; George; Geren; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; Menendez; Merritt; Miller; Morrison; Mowery; Najera; Nixon; Pitts; Puente; Ramsay; Reyna, A.; Reyna, E.; Sadler; Salinas; Seaman; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wohlgemuth; Wolens; Woolley.

Nays — Bailey; Bosse; Burnam; Chavez; Cook; Davis, Y.; Deshotel; Dutton; Edwards; Ellis; Farrar; Flores; Garcia; Giddings; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Martinez Fischer; McClendon; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Pickett; Raymond; Ritter; Shields; Thompson; Tillery; Turner, S.; Wilson; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Hilbert; Rangel; Wise.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Dukes; Green; Jones, D.; Maxey; Yarbrough.

STATEMENT OF VOTE

I was shown voting yes on Record No. 460. I intended to vote no.

Gray

Representative Wilson raised a point of order against further consideration of **CSSB 1783** under Rule 4, Section 32(c)(3) of the House Rules.

(Heflin and West now present)

The point of order was withdrawn.

Representative Wolens moved to postpone consideration of **CSSB 1783** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSSB 1210 ON SECOND READING **(Dunnam and Goodman - House Sponsors)**

CSSB 1210, A bill to be entitled An Act relating to certain attorneys and law clerks employed by a court.

CSSB 1210 was passed to third reading. (Carter, Denny, and Marchant recorded voting no)

SB 233 ON SECOND READING **(Menendez - House Sponsor)**

SB 233, A bill to be entitled An Act relating to parental liability for the conduct of a child.

SB 233 was passed to third reading.

SB 356 ON SECOND READING
(Hamric - House Sponsor)

SB 356, A bill to be entitled An Act relating to performance measures for innovative regulatory programs implemented by the Texas Natural Resource Conservation Commission.

SB 356 was passed to third reading.

SB 516 ON SECOND READING
(Hawley, et al. - House Sponsors)

SB 516, A bill to be entitled An Act relating to creating the rural physician relief program.

(Sadler in the chair)

Amendment No. 1 (Committee Amendment No. 1)

Representative Uresti offered the following committee amendment to **SB 516**:

Amend **SB 516** as follows:

(1) In SECTION 1 of the bill, in added Section 106.258(a), Health and Safety Code (engrossed version, page 4, line 4), strike "and".

(2) In SECTION 1 of the bill, in added Section 106.258(a), Health and Safety Code (engrossed version, page 4, line 6), between "Examiners" and the period insert "; and

(8) an administrator or a chief executive officer of a hospital located in a rural county".

Amendment No. 2

Representative Hawley offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **SB 516** (on page 5, lines 2-10, House Committee Report) by striking the text of the amendment and substituting the following:

Amend **SB 516** in SECTION 1 of the bill, in added Subchapter H, Chapter 106, Health and Safety Code, by striking added Section 106.258, Health and Safety Code (House committee printing, page 3, lines 16-26 and page 4, lines 1-8).

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

Amendment No. 3

Representative McClendon offered the following amendment to **SB 516**:

Amend **SB 516** (house committee printing) as follows:

(1) In SECTION 1 of the bill, strike proposed Subdivision (2) of Section 106.251, Health and Safety Code (page 1, lines 10 through 13), and substitute the following:

(2) "Relief services" means:

(A) the temporary coverage of a physician's practice by another physician for a predetermined time during the physician's absence and before the physician's return; or

(B) the intended practice of medicine by a person who is applying for a license as a physician in this state and who promises to practice medicine in a rural area.

(2) In SECTION 1 of the bill, in added Section 106.252, Health and Safety Code (page 1, line 24), between "PROGRAM." and "The center", insert "(a)".

(3) In SECTION 1 of the bill, at the end of added Section 106.252, Health and Safety Code (page 2, between lines 4 and 5), insert the following:

(b) As part of the program under this subchapter, the center shall provide the statement required by Section 155.056(c), Occupations Code, for an applicant for a license as a physician who promises to provide relief services as described by Section 106.251(2)(B).

(4) Add the following appropriately numbered section to the bill:

SECTION _____. Section 155.056, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to any other reexamination allowed under this section, an applicant who otherwise qualifies for a license under this subtitle is entitled to an additional reexamination on one part of the examination not previously passed if the applicant:

(1) submits an affidavit with the application that the applicant intends to provide relief services, as described by Section 106.251(2)(B), Health and Safety Code;

(2) provides a statement from the Center for Rural Health Initiatives that the services the applicant promises to provide qualify as relief services under Section 106.251, Health and Safety Code; and

(3) has completed, in this state, at least three years of postgraduate medical training approved by the board.

(5) Renumber the sections of the bill accordingly.

Amendment No. 3 was adopted without objection.

SB 516, as amended, was passed to third reading.

SB 518 ON SECOND READING

(Oliveira - House Sponsor)

SB 518, A bill to be entitled An Act relating to public school counselors.

Amendment No. 1 (Committee Amendment No. 1)

Representative Oliveira offered the following committee amendment to **SB 518**:

Amend **SB 518** by inserting the following new SECTION between existing SECTIONS 2 and 3 of the bill (Senate Engrossment page 2, between lines 4 and 5) and renumbering existing SECTIONS 3 and 4 of the bill as SECTIONS 4 and 5:

SECTION 3. Subsection (b), Section 33.006, Education Code, is amended to read as follows:

(b) In addition to a school counselor's responsibility under Subsection (a), the counselor shall:

(1) participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students ~~[who are]~~:

(A) who are at risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide; ~~[or]~~

(B) who are in need of modified instructional strategies; ~~or~~

(C) who are gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;

(2) consult with a student's parent or guardian and make referrals as appropriate in consultation with the student's parent or guardian;

(3) consult with school staff, parents, and other community members to help them increase the effectiveness of student education and promote student success;

(4) coordinate people and resources in the school, home, and community;

(5) with the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans; and

(6) deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Oliveira offered the following committee amendment to **SB 518**:

Amend **SB 518** as follows;

on page 1, line 19, after the word, "potential", insert, including the student's interests and career objectives.

(Speaker in the chair)

Amendment No. 2 was adopted without objection.

SB 518, as amended, was passed to third reading.

SB 1449 ON SECOND READING

(Gutierrez - House Sponsor)

SB 1449, A bill to be entitled An Act relating to the execution of bonds and the sale of loans by the Veterans' Land Board.

SB 1449 was passed to third reading.

CSSB 609 ON SECOND READING

(Ritter - House Sponsor)

CSSB 609, A bill to be entitled An Act relating to the compensation received by peace officers commissioned by the Department of Public Safety who are required to work on certain holidays.

CSSB 609 was passed to third reading.

SB 620 ON SECOND READING**(J. Davis - House Sponsor)**

SB 620, A bill to be entitled An Act relating to extension of restrictions imposing regular assessments in certain residential real estate subdivisions.

SB 620 was passed to third reading.

SB 700 ON SECOND READING**(S. Turner - House Sponsor)**

SB 700, A bill to be entitled An Act relating to the suspension of a license for failure to comply with the terms of a court order providing for the possession of or access to a child.

SB 700 was passed to third reading.

SB 730 ON SECOND READING**(Thompson and Talton - House Sponsors)**

SB 730, A bill to be entitled An Act relating to the suspension of sentence and the deferral of adjudication in cases involving certain misdemeanor traffic offenses.

Amendment No. 1

Representatives Talton and Keel offered the following amendment to **SB 730**:

Amend **SB 730**, in Section 1 of the bill, added Article 45.051(g), Code of Criminal Procedure (House Committee Printing, page 3), by striking lines 16-20.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative P. King offered the following amendment to **SB 730**:

Amend **SB 730** by adding the following new sections to the bill, appropriately numbered, and renumbering subsequent sections accordingly:

SECTION _____. Section 543.004, Transportation Code, is amended to read as follows:

Sec. 543.004. NOTICE TO APPEAR REQUIRED[~~—CERTAIN OFFENSES~~]. (a) The issuance of a written notice to appear as provided by Section 543.003 is mandatory and an [An] officer shall issue a written notice to appear if:

(1) the offense charged is a misdemeanor punishable by fine only [~~speeding or a violation of the open container law, Section 49.03, Penal Code~~]; [and]

(2) the person displays:

(A) an unexpired driver's license or permit issued to the person by the department or by another state or country; or

(B) an unexpired personal identification certificate issued to the person by the department; and

(3) the person makes a written promise to appear in court as provided by Section 543.005.

(b) If the person is a resident of or is operating a vehicle licensed in a state or country other than this state, Subsection (a) applies only as provided by Chapter 703.

~~[(c) The offenses specified by Subsection (a) are the only offenses for which issuance of a written notice to appear is mandatory.]~~

SECTION _____. Article 14.06, Code of Criminal Procedure, is amended to read as follows:

Art. 14.06. MUST TAKE OFFENDER BEFORE MAGISTRATE. (a) Except as provided by Subsections ~~[Subsection]~~ (b), (c), and (d), in each case enumerated in this Code, the person making the arrest shall take the person arrested or have the person ~~[him]~~ taken without unnecessary delay before the magistrate who may have ordered the arrest, before some magistrate of the county where the arrest was made without an order, or, if necessary to provide more expeditiously to the person arrested the warnings described by Article 15.17 of this Code, before a magistrate in a county bordering the county in which the arrest was made. The magistrate shall immediately perform the duties described in Article 15.17 of this Code.

(b) A peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02, Penal Code, or a traffic offense, may, instead of taking the person before a magistrate, issue a citation to the person that contains written notice of the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged.

(c) A peace officer who is charging a person, including a child, with committing a traffic offense that is a Class C misdemeanor, including an offense under Section 49.03, Penal Code, shall, instead of taking the person before a magistrate, issue a citation to the person that contains written notice of the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged, if the person displays:

(1) an unexpired driver's license or permit issued to the person by the Department of Public Safety or by another state or country; or

(2) an unexpired personal identification certificate issued to the person by the department.

(d) If a person charged as described by Subsection (c) is a resident of or is operating a vehicle licensed in a state or country other than this state, Subsection (c) applies only as provided by Chapter 703, Transportation Code.

Amendment No. 2 was adopted without objection.

SB 730, as amended, was passed to third reading.

SB 826 ON SECOND READING **(Grusendorf and Hochberg - House Sponsors)**

SB 826, A bill to be entitled An Act relating to the location of public education schools, programs, and classes.

Amendment No. 1

Representative Chavez offered the following amendment to **SB 826**:

Amend **SB 826** by inserting the following language after line 17 of the bill:

Sec. 11.167. OPERATION OUTSIDE DISTRICT BOUNDARIES. The board of trustees of a school district may operate a school or program, including an extracurricular program, or hold a class outside the boundaries of the district.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative P. King offered the following amendment to **SB 826**:

Amend **SB 826** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION __. Chapter 29, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. VIRTUAL CLASSROOM PROGRAM

Sec. 29.351. DEFINITIONS. In this subchapter:

(1) "Interactive multimedia communications" means real-time, interactive voice, video, and data communications conducted over networks that link geographically dispersed locations.

(2) "Program" means a virtual classroom program described by this subchapter.

Sec. 29.352. AUTHORITY. A school district may implement a program for students enrolled in grade levels 6 through 12.

Sec. 29.353. ELIGIBILITY CRITERIA. A student is eligible to participate in a program if the student:

(1) is eligible to attend school under Section 25.001; and

(2) has successfully completed fifth grade.

Sec. 29.354. ATTENDANCE AND FUNDING. (a) Sections 25.081(a), 25.082(a), 25.085(a), and 25.092(a) do not apply to a school district offering a program or to a student enrolled in a program, provided that a student successfully completes each program course not later than the end of the grading period for that course, as determined by the district.

(b) Subject to rules adopted by the commissioner, a student enrolled in a program may be counted for attendance purposes in the same manner as a student enrolled in regular classes in the district.

Sec. 29.355. EXTENDED-YEAR PROGRAM. A school district offering a program may operate the program on an extended-year basis for a period not to exceed 45 additional instructional days. The district's average daily attendance shall be computed for the regular school year plus the extended period.

Sec. 29.356. PROGRAM REQUIREMENTS. Notwithstanding any other provision of this code, a school district that offers a program must:

(1) ensure that the program curriculum complies with Section 28.002;

(2) use accredited Internet courses, as determined by the district;

(3) for each course in the program, provide students with interactive multimedia communications between the student and the course instructor;

(4) require that each student enrolled in a program course successfully complete the course not later than the end of the grading period for that course, as determined by the district;

(5) administer each assessment instrument required under Subchapter B, Chapter 39, to students enrolled in the program;

(6) establish graduation requirements for students enrolled in the program that are consistent with rules adopted under Section 28.025; and

(7) assess student competency in the program.

Sec. 29.357. AGENCY OVERSIGHT. Using state funds appropriated for that purpose, the agency shall monitor, evaluate, and assess the development and implementation of each program adopted under this subchapter.

Amendment No. 2 was adopted without objection.

SB 826, as amended, was passed to third reading.

(Gallego and Junell now present)

CSSB 45 ON SECOND READING
(Naishtat - House Sponsor)

CSSB 45, A bill to be entitled An Act relating to hardship exemptions from time limits under the temporary assistance for needy families program.

CSSB 45 was passed to third reading.

SB 484 ON SECOND READING
(Pitts - House Sponsor)

SB 484, A bill to be entitled An Act relating to the review of plans and specifications and the inspection of buildings or facilities for the purpose of eliminating architectural barriers encountered by persons with disabilities.

Amendment No. 1

Representative Pitts offered the following amendment to **SB 484**:

Amend **SB 484** as follows and renumber sections accordingly:

SECTION 4. Section 5, Article 9102, Subsection (p), Revised Statutes, is amended to read as follows:

(p) Notwithstanding other provisions of this article, the commission shall require complete compliance with the standards and specifications prescribed or referenced by Subsection (o) of this section. The department and the General Services Commission shall ensure that all buildings and facilities leased, with an annual lease expense in excess of \$12,000, built by or for the state to which those standards apply comply with those standards. Notwithstanding other provisions of this article, the department shall perform an on-site inspection of all buildings and facilities to be leased by the state, with and annual lease expense in excess of \$12,000, before the building or facility is occupied by the state for compliance with all accessibility standards and specifications adopted under this article. The leasing agency or the General Services Commission, as applicable, shall cancel the lease unless the lessor brings into compliance with all accessibility standards and specifications adopted under this article. The leasing agency or the General Services Commission, as applicable, shall cancel the lease unless the lessor brings into compliance any condition that the inspection finds not to be in compliance with all applicable standards and specifications not later than:

(1) the 60th day after the date the department delivers the results of the inspection to the lessor or the lessor's agent; or

(2) a later date established by the commission if circumstances justify a later date.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pitts offered the following amendment to **SB 484**:

Amend **SB 484** as follows:

(1) On Page 1, add the following new Section 1 and renumber the subsequent sections accordingly:

SECTION 1. Section 2, Article 9102, Subsection (c) and (d), Revised Statutes, are amended to read as follows:

(c) The commission may waive or modify accessibility standards adopted under this article when:

(1) the application of the standards is considered by the commission to be irrelevant to the nature, use, or function of a building or facility covered by this article; or

(2) the owner of a building or facility that is the subject of a request for a waiver or modification of a standard under this subsection, or the owner's designated agent, presents proof to the commission that compliance with the particular standard is ~~impracticable~~ impractical.

(d) An owner of a building described by Subsection (a)(3) of this section or of building or facility leased or rented for use by the state through the use of federal funds, or the owner's designated agent, must present to the commission the proof required by Subsection (c)(2) of this section ~~before the date the owner:~~

~~(1) submits a bid proposal in relation to the award of a contract for the lease or rental of the building or facility; or~~

~~(2) is awarded the contract for the lease or rental of the building or facility if the state does not advertise for bids.~~

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Pitts offered the following amendment to **SB 484**:

Amend **SB 484**, in SECTION 1 of the bill, in amended Section 5, Article 9102, Revised Statutes (House Committee Printing page 1, lines 10-15) by striking amended Subsection (d) of that section and substituting the following:

(d) The commission may contract with other state agencies ~~and~~ political subdivisions, nonprofit organizations, and private independent contractors] to perform the commission's review and inspection functions. A person who holds a certificate of registration issued under Section 5A of this article may perform review functions of the commission, inspection functions of the commission, or both review and inspection functions as provided by the certificate ~~[for facilities that are not leased by the state or a political subdivision ad may terminate those contracts for cause].~~

Amendment No. 3 was adopted without objection.

SB 484, as amended, was passed to third reading.

SB 352 ON SECOND READING
(Gray and Oliveira - House Sponsors)

SB 352, A bill to be entitled An Act relating to the collection of solid waste disposal service fees by a county or by certain public or private entities contracting with a county.

Amendment No. 1

Representative Gray offered the following amendment to **SB 352**:

Amend **SB 352** (House committee printing) in SECTION 1 of the bill, at the end of amended Section 364.034, Health and Safety Code (page 2, between lines 20 and 21), by adding a new Subsection (e) to read as follows:

(e) This section does not apply to a person who provides the public or private entity, public agency, or county with written documentation that the person is receiving solid waste disposal services from another entity.

Amendment No. 1 was adopted without objection.

SB 352, as amended, was passed to third reading.

SB 367 ON SECOND READING
(Naishtat - House Sponsor)

SB 367, A bill to be entitled An Act relating to ensuring an appropriate care setting for a person with a disability.

Amendment No. 1

Representative Williams offered the following amendment to **SB 367**:

Amend **SB 367** (House committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 247.004, Health and Safety Code, is amended to read as follows:

Sec. 247.004. EXEMPTIONS. This chapter does not apply to:

(1) a boarding facility that has rooms for rent and that may offer community meals, light housework, meal preparation, transportation, grocery shopping, money management, or laundry services but that does not provide personal care services;

(2) an establishment conducted by or for the adherents of the Church of Christ, Scientist, for the purpose of providing facilities for the care or treatment of the sick who depend exclusively on prayer or spiritual means for healing without the use of any drug or material remedy if the establishment complies with local safety, sanitary, and quarantine ordinances and regulations;

(3) a facility conducted by or for the adherents of a qualified religious society classified as a tax-exempt organization under an Internal Revenue Service group exemption ruling for the purpose of providing personal care services without charge solely for the society's professed members or ministers in retirement, if the facility complies with local safety, sanitation, and quarantine ordinances and regulations; [or]

(4) a facility that provides personal care services only to persons enrolled in a program that is funded in whole or in part by the Texas

Department of Mental Health and Mental Retardation and that is monitored by the Texas Department of Mental Health and Mental Retardation or its designated local authority in accordance with standards set by the Texas Department of Mental Health and Mental Retardation; or

(5) a facility that:

(A) provides residential services, vocational training, and personal care services only to adults who are developmentally disabled;

(B) serves as an educational or research site for at least one institution of higher education;

(C) is exempt from federal taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt organization in Section 501(c)(3) of that code, as amended; and

(D) complies with local safety, sanitation, and quarantine ordinances and regulations.

Representative Maxey raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of the amendment.

SB 367 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CRADDICK: Is there anything in this bill that creates a cause of action?

REPRESENTATIVE NAISHTAT: Well, if the state doesn't comply, then any individual would be entitled to bring any type of action, but there is nothing specifically in the bill that creates a cause of action.

CRADDICK: There is nothing in the bill that creates a cause of action?

NAISHTAT: To my knowledge, Representative Craddick, there is none, but if you think there is, you can...

CRADDICK: No, that's fine, as long as you say there isn't. Thank you very much.

REMARKS ORDERED PRINTED

Representative Shields moved to print remarks by Representative Craddick and Representative Naishtat.

The motion prevailed without objection.

SB 367 was passed to third reading. (Woolley recorded voting no)

SB 1446 ON SECOND READING (Oliveira - House Sponsor)

SB 1446, A bill to be entitled An Act relating to severance payments to superintendents of independent school districts.

SB 1446 was passed to third reading.

SB 616 ON SECOND READING
(Capelo - House Sponsor)

SB 616, A bill to be entitled An Act relating to the establishment of a medical assistance pilot program for the management of children's asthma.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Delisi, Representative Capelo offered the following committee amendment to **SB 616**:

Amend **SB 616** by adding the following appropriately numbered SECTIONS of the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The commissioner of public health shall establish an asthma and allergy research advisory committee.

(b) The asthma and allergy research advisory committee is composed of nine members appointed by the governor, in consultation with the lieutenant governor and the speaker of the house of representatives.

(c) The governor shall select members of the asthma and allergy research advisory committee based on the members' experience, expertise, or special interest in asthma and allergy and:

- (1) asthma and allergy education;
- (2) indoor air quality;
- (3) the public school system and its dealings with children with asthma and an allergy;
- (4) epidemiology;
- (5) pharmacology;
- (6) parenting a child with asthma or an allergy; or
- (7) immunology.

(d) The commissioner of public health shall select a member of the asthma and allergy research advisory committee to serve as the presiding officer of the committee. The presiding officer may not be an officer or employee of the state.

(e) The asthma and allergy research advisory committee shall:

- (1) develop a plan to research asthma and allergy and medical conditions associated with asthma and allergy in this state;
- (2) assess the resources and talent of institutions in this state as possible sites for research opportunities;
- (3) analyze the impact of asthma and allergy on the economy of this state and on the health of the residents of this state; and
- (4) make recommendations to the legislature and governor concerning research programs in asthma and allergy and funding alternatives for the programs.

(f) The asthma and allergy research advisory committee shall meet at least four times as determined by the presiding officer. A professional facilitator with experience in strategic planning shall facilitate meetings of the committee.

(g) A member of the asthma and allergy research advisory committee may not receive compensation for service on the committee but is entitled to reimbursement for reasonable and necessary travel expenses incurred by the member while conducting the business of the committee as provided by general law and the General Appropriations Act.

(h) Not later than December 1, 2002, the commissioner of public health shall submit a report prepared by the committee to the governor, lieutenant governor, and speaker of the house of representatives regarding asthma and allergy that comprehensively addresses the issues listed in Subsection (e) of this section.

SECTION _____. (a) The governor shall appoint members to the asthma and allergy research advisory committee not later than the 90th day after the effective date of this Act.

(b) The asthma and allergy research advisory committee is abolished January 1, 2003.

(c) This section and Section ____ of this Act requiring the establishment of the asthma and allergy research advisory committee expire September 1, 2003.

Amendment No. 1 was adopted without objection.

SB 616, as amended, was passed to third reading.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolution on committee report:

SCR 50 (Oliveira - House Sponsor), Encouraging school districts to develop and implement dual language bilingual programs.

SCR 50 was adopted.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Friday, May 18.

The motion prevailed without objection.

RULES SUSPENDED

Representative Junell moved to suspend the 5-day posting rule to allow the Committee on Appropriations to consider **SB 1837** at 8 a.m. tomorrow in the appropriations committee room.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, upon final recess today, Desk 133, for a formal meeting, to consider the calendar.

Appropriations, 8 a.m. tomorrow, E1.030, for a public hearing, to consider **SB 1837**.

Public Health, 9:30 a.m. tomorrow, Desk 6, for a formal meeting, to consider **SB 11**, **SB 556**, and any other bills referred to the committee by 9:30 a.m.

State Affairs, upon final recess today, Desk 71, for a formal meeting, to consider pending business.

Ways and Means, upon final recess today, Desk 61, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon final recess today, Desk 12, for a formal meeting, to consider pending bills.

RECESS

Representatives Allen and Raymond moved that the house recess until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 7:45 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 285 (By Hartnett), Honoring Robert S. "Bob" Driegert for his impressive record of service as chairman of the Dallas County Republican Party.

To Rules & Resolutions.

HCR 286 (By R. Lewis), Honoring Darrell K Royal on his many achievements.

To Rules & Resolutions.

HCR 287 (By R. Lewis), Requesting the lieutenant governor and speaker of the house of representatives to create a joint interim committee on asthma.

To House Administration.

HR 1050 (By Hardcastle), Honoring Cundiff Cemetery on its receipt of a historical marker.

To Rules & Resolutions.

HR 1052 (By McCall and Madden), Honoring Police Chief Bruce D. Glasscock of Plano for his service as President of the International Association of Chiefs of Police.

To Rules & Resolutions.

HR 1053 (By McCall), Honoring Shiloh Missionary Baptist Church of Plano on the dedication of their new sanctuary.

To Rules & Resolutions.

HR 1054 (By McCall), Honoring Allison Smith of Plano for being named a distinguished finalist in the 2001 Prudential Spirit of Community Awards program.

To Rules & Resolutions.

HR 1055 (By J. Jones), In memory of Emma B. Hughes of Dallas.

To Rules & Resolutions.

HR 1058 (By Callegari), In memory of Jack David Rhoads of Katy.

To Rules & Resolutions.

HR 1059 (By Dutton), Commending Wilberforce University on the occasion of its 2001 National Alumni Conference in Houston.

To Rules & Resolutions.

HR 1060 (By Dutton), Honoring Allee Winifred James Mitchell of Houston on the occasion of her 90th birthday.

To Rules & Resolutions.

HR 1061 (By Chavez and Najera), Honoring El Paso's Eastwood High School Student Council for being chosen the secretary school for the Texas Association of Student Councils.

To Rules & Resolutions.

HR 1062 (By Chavez, P. Moreno, Pickett, Haggerty, and Najera), In memory of Carly Raquel Martinez of El Paso.

To Rules & Resolutions.

HR 1064 (By Noriega, Talton, J. Davis, and J. Moreno), Honoring Gene Garison for his service as a Pasadena city councilman.

To Rules & Resolutions.

HR 1065 (By Hilderbran), Honoring the Former Texas Rangers Association and encouraging them to build their new history and education center in Kerrville.

To Rules & Resolutions.

HR 1066 (By Callegari), Congratulating the Katy Taylor High School academic decathlon team on its achievements.

To Rules & Resolutions.

HR 1067 (By Dukes), Honoring Don T. Haynes, Jr., for 25 years of outstanding service as LBJ High School director of bands.

To Rules & Resolutions.

HR 1068 (By Dukes), Recognizing North American Occupational Safety and Health Week on May 6-12, 2001, and commending Prism Development, Inc., for its safety consciousness.

To Rules & Resolutions.

HR 1070 (By Farabee), Honoring the Wichita Falls Police Department on receiving accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc.

To Rules & Resolutions.

HR 1071 (By J. Jones), Honoring Duncanville High School for receiving a fifth place national award in the 18th annual Children's Set a Good Example Competition.

To Rules & Resolutions.

HR 1072 (By Wolens), In memory of MacGregor Wood Day of Dallas.

To Rules & Resolutions.

HR 1073 (By Chisum), Commending Pastor Rob Harrell for his leadership with the Capitol Gathering.

To Rules & Resolutions.

HR 1074 (By Keffer), Honoring Robert Echols of Albany for receiving a 2001 Jefferson Award.

To Rules & Resolutions.

HR 1076 (By Smith), Honoring Karin Newell on her retirement from the Bedford City Council.

To Rules & Resolutions.

HR 1077 (By Berman), Memorializing congress to repeal the Government Pension Offset enacted in 1977.

To Pensions & Investments.

HR 1078 (By Hunter, Giddings, Y. Davis, S. Turner, and Dutton), Honoring the Eastern Cape Provincial Legislature and welcoming its delegation to the Texas Capitol.

To Rules & Resolutions.

HR 1079 (By Allen), Welcoming the visiting group from Silicon Metrics Corporation to the State Capitol.

To Rules & Resolutions.

HR 1080 (By Allen), In memory of Judge Ann King of Grand Prairie.

To Rules & Resolutions.

HR 1081 (By Callegari), Honoring Rodger and Ellen Beck for their 30 years of service to the youth of Katy.

To Rules & Resolutions.

SB 444 to Economic Development.

SB 488 to State Affairs.

SB 806 to Insurance.

SB 824 to Public Education.

SB 1102 to Public Education.

SB 1122 to Land & Resource Management.

SB 1128 to Transportation.

SB 1129 to Transportation.

SB 1176 to Urban Affairs.

SB 1183 to Ways & Means.

SB 1248 to Urban Affairs.
SB 1348 to State Affairs.
SB 1459 to Ways & Means.
SB 1531 to Criminal Jurisprudence.
SB 1701 to Criminal Jurisprudence.
SB 1714 to Urban Affairs.
SB 1821 to Natural Resources.
SB 1831 to Transportation.
SB 1837 to Appropriations.
SCR 51 to State Recreational Resources.
SCR 62 to Rules & Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 54

HB 10, HB 178, HB 391, HB 430, HB 461, HB 462, HB 467, HB 471, HB 533, HB 569, HB 688, HB 742, HB 805, HB 845, HB 899, HB 958, HB 965, HB 1047, HB 1059, HB 1066, HB 1103, HB 1216, HB 1222, HB 1265, HB 1351, HB 1466, HB 1684, HB 1687, HB 1703, HB 1768, HB 1833, HB 1891, HB 1927, HB 1994, HB 2071, HB 2147, HB 2158, HB 2217, HB 2258, HB 2345, HB 2384, HB 2814, HB 3024, HB 3132, HB 3334, HB 3357, HB 3365, HB 3450, HB 3661

House List No. 55

HB 409, HB 1098, HB 1264, HB 1314, HB 1460, HB 1493, HB 1516, HB 1636, HB 1842, HB 1989, HB 1990, HB 3636

Senate List No. 29

SB 126, SB 221, SB 601, SB 626, SB 865, SB 941, SB 980, SB 1123, SB 1407, SCR 60

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 16, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 80 Gallego SPONSOR: Sibley
Relating to immunity applicable to certain persons acting under the Texas Anatomical Gift Act.

HB 236 Hinojosa SPONSOR: Ellis, Rodney
Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 651 King, Phil SPONSOR: Haywood
Relating to the operation of certain all-terrain vehicles on public streets, roads, and highways.
(AMENDED)

HB 689 Thompson SPONSOR: Wentworth
Relating to the jurisdiction of statutory probate courts and to conforming procedures for transferring juvenile proceedings to certain courts.
(AMENDED)

HB 1027 Cook SPONSOR: Brown, J. E. "Buster"
Relating to the cleanup of contaminated property.
(AMENDED)

HB 1094 Gray SPONSOR: Moncrief
Relating to the creation of a state prescription drug program for certain Medicare beneficiaries.
(COMMITTEE SUBSTITUTE)

HB 1415 Farrar SPONSOR: Armbrister
Relating to the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication.
(AMENDED)

HB 2255 McCall SPONSOR: Harris
Relating to the continuation and functions of the State Securities Board; providing penalties.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 2807 Kitchen SPONSOR: Barrientos
Relating to a demonstration project to extend Medicaid coverage to certain low-income individuals.

HCR 98 Christian SPONSOR: Staples
Memorializing congress to extend the U.S.-Canada Softwood Lumber Agreement.

HJR 81 Counts SPONSOR: Brown, J. E. "Buster"
Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.
(AMENDED)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 382

Senate Conferees: Gallegos - Chair/Cain/Carona/Van de Putte/Whitmire

SB 406

Senate Conferees: Cain - Chair/Bernsen/Carona/Shapiro/Truan

SB 684

Senate Conferees: Madla - Chair/Bernsen/Carona/Harris/Lucio

SB 846

Senate Conferees: Cain - Chair/Carona/Shapiro/Sibley/Whitmire

SB 1472

Senate Conferees: Ogden - Chair/Sibley/Staples/West, Royce/Zaffirini

Respectfully,

Betty King

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 16, 2001 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 7

Chisum

SPONSOR: Sibley

Relating to creating the Office of Rural Community Affairs.

(AMENDED)

HB 106

Gutierrez

SPONSOR: Zaffirini

Relating to restricting written reports required of public school classroom teachers.

HB 548

Keffer

SPONSOR: Jackson

Relating to the conduct of the business of certain surety companies.

HB 1279

Coleman

SPONSOR: Barrientos

Relating to the application of certain licensing and registration requirements to activities involving resilient floor-covering material.

HB 1514 Junell SPONSOR: Harris
Relating to the operation of certain commercial enterprises.

HB 2310 Chisum SPONSOR: Zaffirini
Relating to the continuation and functions of the State Soil and Water Conservation Board and to the election of directors of local soil and water conservation districts.
(AMENDED)

HB 2430 Naishtat SPONSOR: Carona
Relating to a consumer assistance program for health benefit plan consumers.

HB 2852 Junell SPONSOR: Ellis, Rodney
Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 16, 2001 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 63 Wolens SPONSOR: Zaffirini
Relating to the suspension of a person's driver's license following the person's arrest for certain intoxication offenses.

HB 1506 Yarbrough SPONSOR: Whitmire
Relating to security costs required of a person who contests certain alcoholic beverage license applications.

HB 2139 Marchant SPONSOR: Carona
Relating to certain agreements under a retail installment contract for the purchase of a motor vehicle.

HB 3451 Gallego SPONSOR: Lucio
Relating to the continuation and functions of the Texas State Affordable Housing Corporation.
(AMENDED)

SB 378 Gallegos

Relating to the conditions of employment for fire fighters.

SB 1511 Lucio

Relating to interference with or recycling of a traffic-control device or railroad sign or signal; providing penalties.

SB 1732 Cain

Relating to the creation of family home child care pilot programs for certain children under four years of age.

SB 1840 Van de Putte

Relating to a study regarding the operation of The University of Texas at San Antonio and The University of Texas Health Science Center at San Antonio as a single research university.

Respectfully,

Betty King

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 16, 2001 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1837 Denny SPONSOR: Armbrister

Relating to restrictions on the application of noise regulations to sport shooting ranges.

HB 2572 McReynolds SPONSOR: Staples

Relating to the creation, administration, powers, duties, operations, and financing of the Pineywoods Groundwater Conservation District.

(COMMITTEE SUBSTITUTE/AMENDED)

HB 2810 Wolens SPONSOR: Cain

Relating to the application of statutes that classify political subdivisions according to population.

(AMENDED)

Respectfully,

Betty King

Secretary of the Senate

Message No. 5MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 16, 2001 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 903** Van de Putte

Relating to the establishment and use of a women's athletic development fund and a study of women's athletic development practices at institutions of higher education.

SB 1152 Van de Putte

Relating to establishing the Tex Rx plan.

SCR 48 Bivins

Granting Cyral and Patricia Farley permission to sue the state and the General Land Office.

SCR 53 Barrientos

Creating the Communities in Schools of Texas State Advisory Council.

SCR 54 Bernsen

Memorializing Congress to remove trade, financial, and travel restrictions relating to Cuba.

SCR 63 Bivins

Recognizing the American Combat Airman Hall of Fame as the official Combat Hall of Fame of the State of Texas.

Respectfully,

Betty King
Secretary of the Senate

Message No. 6MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 16, 2001 - 6

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 2677 Bailey SPONSOR: Whitmire
Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms of employment of certain municipal employees.
(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 15

Criminal Jurisprudence - **SB 173, SB 904, SB 932**

Financial Institutions - **SB 1611**

Insurance - **SB 8**

Judicial Affairs - **SB 124, SB 194, SB 625, SB 847, SB 869, SB 1001, SB 1377, SB 1810**

Juvenile Justice & Family Issues - **SB 1270, SB 1271**

Natural Resources - **SB 312, SB 1036, SB 1207, SB 1646, SB 1758, SB 1775, SB 1776, SB 1777, SB 1796**

Pensions & Investments - **SB 372**

Public Health - **SB 338**

Public Safety - **SB 483, SB 786, SB 1020, SB 1312, SB 1713**

State Affairs - **SB 309, SB 390, SB 497, SB 1458, SB 1496, SB 1800**

State, Federal & International Relations - **HCR 275, HR 952**

Ways & Means - **SB 63, SB 248, SB 896, SB 985, SB 986, SB 1533, SB 1558, SB 1736**

ENROLLED

May 15 - HB 10, HB 899, HB 1066, HB 1103, HB 1467, HB 1687, HB 2345, HB 3450, HCR 50, HCR 111, HCR 112, HCR 113, HCR 268, HCR 280, HJR 45

SENT TO THE GOVERNOR

**May 15 - HB 1467, HCR 50, HCR 111, HCR 112, HCR 113,
HCR 268, HCR 280**

SENT TO THE SECRETARY OF THE STATE

May 15 - HJR 45

SIGNED BY THE GOVERNOR

**May 15 - HB 197, HB 769, HB 1100, HB 1545, HCR 59, HCR 119,
HCR 151, HCR 152, HCR 161, HCR 164, HCR 166, HCR 167, HCR 201**

